

Joe Strausiii

June 11, 2012

<p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>STATE OF TEXAS,) Plaintiff,)) V.)) ERIC H. HOLDER, JR.,) in his official capacity) as Attorney General of) the United States,) Defendant.)) ERIC KENNIE, et al.,) Defendant-Intervenors,)) TEXAS STATE CONFERENCE) CASE NO. 1:12-CV-00128 OF NAACP BRANCHES, et al.,) (RMC-DST-RLW) Defendant-Intervenors,) Three-Judge Court) TEXAS LEAGUE OF YOUNG) VOTERS EDUCATION FUND, et al.,) Defendant-Intervenors,)) TEXAS LEGISLATIVE BLACK) CAUCUS, et al.,) Defendant-Intervenors,)) VICTORIA RODRIGUEZ, et al.,) Defendant-Intervenors.) ORAL DEPOSITION OF SPEAKER JOE STRAUS, III JUNE 11, 2012</p> <p>ORAL DEPOSITION OF SPEAKER JOE STRAUS, III, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on the 11th day June, 2012, from 9:35 a.m. to 4:10 p.m., before Amy C. Kofron, CSR in and for the State of Texas, reported by machine shorthand, at the offices of the United States Attorney, 816 Congress Avenue, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</p>	<p>1 INDEX</p> <p>2 3 Appearances. 2 4 SPEAKER JOE STRAUS, III 5 Examination by Mr. Freeman. 5 6 Examination by Ms. Rudd. 184 7 Examination by Mr. Sweeten. 201 8 Further Examination by Mr. Freeman. 202 9 Further Examination by Mr. Sweeten. 203 10 Signature and Changes. 205 11 Reporter's Certificate. 207 12 13 14 UNITED STATES' EXHIBITS 15 NO. DESCRIPTION PAGE 16 460 Notice of Deposition 13 17 461 Drivers License Offices 20 18 462 Transcript Of Joe Straus, III 50 19 463 Rules and Precedents of the Texas House 56 20 464 Privilege Log 60 21 465 Talking points 69 22 466 Talking points 79 23 467 Talking points 91 24 468 E-mail from Janice McCoy 101 25 469 Blockbuster Application 114</p> <p>1 A P P E A R A N C E S 2 FOR THE PLAINTIFF AND THE WITNESS: Mr. Patrick Sweeten 3 OFFICE OF THE ATTORNEY GENERAL OF TEXAS P.O. Box 12548 4 Austin, Texas 78711-2548 5 ALSO FOR THE WITNESS: Judge Thomas Phillips 6 Mr. Jesse Ancira Ms. Jill Carvalho 7 8 FOR THE DEFENDANT: Mr. Daniel J. Freeman 9 Ms. Jennifer Maranzano U.S. DEPARTMENT OF JUSTICE 10 950 Pennsylvania Avenue NW NWB Room 7203 11 Washington, DC 20530 12 FOR THE DEFENDANT-INTERVENORS, TEXAS 13 STATE CONFERENCE OF NAACP BRANCHES AND MEXICAN AMERICAN LEGAL CAUCUS: 14 Ms. Amy L. Rudd DECHERT, L.L.P. 15 300 West 6th Street Suite 2010 16 Austin, Texas 78701 17 18 19 20 21 22 23 24 25</p> <p>1 470 Express News Article 143 2 471 Transcript of Todd Smith Deposition 147 3 472 Texas Tribune Article 153 4 473 E-mail from DSumner 154 5 474 Web Mail Correspondence 164 6 475 Voter ID Representatives 168 7 476 Conference Committee Report Form 175 8 477 Dallas News Article 181 9 10 11 INTERVENOR'S EXHIBITS 12 NO. DESCRIPTION PAGE 13 1 Elections Committee Interim Report 188 14 2 Legislative Budget Board Impact Statement 192 15 3 Conference Committee Report Form 195 16 4 Bill Analysis 196 17 5 Bill Analysis 196 18 6 Bill Analysis 198 19 20 21 22 23 24 25</p>
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1 A. Mostly family related. 2 Q. Okay. 3 A. Or as a sole proprietor in the financial services 4 business. 5 Q. Okay. And what types of business is your family in? 6 A. We've been in ranching, real estate and wholesale 7 distributing mainly. 8 Q. Okay. Sounds like a good Texas mix. 9 And so you've discussed your two Schedule C 10 appointments in the federal government. Do you have any other 11 participation in government outside of elected office? 12 A. No. 13 Q. Okay. Any political participation? 14 A. Over the years, yes. 15 Q. Yes. What is the extent of your political 16 participation? 17 A. I've worked in various campaigns as a volunteer and in 18 various volunteer activities in -- mainly in San Antonio. 19 Q. Okay. Have you worked specifically on any campaigns 20 as an employee or staffer? 21 A. Yes. When I was very young, Senator Tower's last 22 reelection campaign and then -- and Congressman Lamar Smith's 23 first campaign for Congress. 24 Q. Okay. 25 A. Other than that, it was strictly as a volunteer.	17	1 A. Sometime in the afternoon. 2 Q. Okay. Where are you normally during those hours? 3 A. Oh, gosh, it varies. 4 Q. Working in some -- 5 A. I don't have a -- 6 Q. -- capacity? 7 A. I don't have a normal schedule. 8 Q. That's understandable. 9 A. Yeah. 10 Q. But working in some capacity? 11 A. Yes. 12 Q. Okay. And how did you get to the office? 13 A. I drove. 14 Q. Okay. How long did you wait in line when you were 15 there? 16 A. Quite a while. Two -- as I recall, it was between two 17 and three hours. 18 Q. Do you remember what documents you brought with you? 19 A. I don't. 20 Q. Okay. Do you know if some driver's licenses are being 21 closed because of lack of funding or have been closed? 22 A. I don't recall. 23 Q. Do you know if some driver's license offices have 24 instituted reduced hours? 25 A. I don't know.	19
1 Q. Were you ever involved in any policy matters as a 2 businessman, lobbying government, working for proposals or 3 working on regulations? 4 A. Not that I recall. 5 Q. Okay. Have you ever made any requests for materials 6 under the Texas Open Records Act? 7 A. I don't believe so. 8 Q. Okay. When did you last renew your driver's license? 9 A. Recently. 10 Q. When was it approximately? 11 A. I believe it was August or September of this year. 12 Q. Okay. Oh -- 13 A. Or last year. 14 Q. -- last year, yes. 15 A. Last year, yeah. Within a year. 16 Q. Did you renew it in person? 17 A. Yes. 18 Q. And where did you go? 19 A. San Antonio. 20 Q. Okay. How far was that office from your home? 21 A. 20 minutes, 30 minutes. 22 Q. Okay. Do you remember what the hours of that office 23 were? 24 A. No. 25 Q. Okay. Do you remember what time of day you went?	18	1 Q. Okay. Do you know if there are driver's license 2 offices in every county in Texas? 3 A. I'm not aware. 4 Q. Do you have a rough idea of how many driver's license 5 offices there are in Texas as a whole? 6 A. I don't know. 7 Q. Okay. Do you know how many there are in Bexar County? 8 A. Several. I believe there's at least three. 9 Q. Okay. Why don't we just -- to refresh your 10 recollection on this. 11 MR. FREEMAN: This will be marked U.S. 461. 12 (Exhibit No. 461 marked) 13 Q. And if you could take a quick look at that document 14 and -- 15 A. Okay. 16 Q. -- tell me what it is. 17 A. Uh-huh. 18 Q. What is that document? 19 A. It says Driver License Offices. 20 Q. And do you see how many offices there are in Bexar 21 County? 22 A. Looks like four. 23 Q. And do you see if there are some offices that are 24 closed temporarily? 25 A. In Bexar County, no.	20



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<p>21</p> <p>1 Q. In the State of Texas as a whole?</p> <p>2 A. Yes.</p> <p>3 Q. And how many House districts are there in Bexar</p> <p>4 County?</p> <p>5 A. Ten.</p> <p>6 Q. Okay. So there are -- am I correct that there are</p> <p>7 more House districts than there are driver's licenses in the</p> <p>8 county?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Are you aware of whether there's a particular</p> <p>11 driver's license station in the Capitol Annex?</p> <p>12 A. I've -- I believe someone has told me about it, but</p> <p>13 I --</p> <p>14 Q. Do you know --</p> <p>15 A. -- haven't been there.</p> <p>16 Q. Do you know how long the delays are there?</p> <p>17 A. I have no idea.</p> <p>18 Q. Okay. Do you know if that office is listed on the DPS</p> <p>19 web site or other public materials?</p> <p>20 A. I'm not aware.</p> <p>21 Q. Do you know why there would be a DPS station inside</p> <p>22 the Capitol?</p> <p>23 A. No.</p> <p>24 Q. Okay. Do you have a copy of your birth certificate?</p> <p>25 A. Do I have one?</p>	<p>23</p> <p>1 A. Texas driver's license.</p> <p>2 Q. Anything else?</p> <p>3 A. Probably one from -- from the state.</p> <p>4 Q. Okay. The -- a legislator ID?</p> <p>5 A. Capitol, yes.</p> <p>6 Q. Okay. Do either of those establish your citizenship?</p> <p>7 A. I don't believe so.</p> <p>8 Q. To the best of your knowledge?</p> <p>9 A. I don't -- I wouldn't -- I don't think so.</p> <p>10 Q. Okay. And in terms of ID that you have but aren't</p> <p>11 carrying on your person, do you have a passport?</p> <p>12 A. A passport?</p> <p>13 Q. Yes.</p> <p>14 A. Yes.</p> <p>15 Q. Do you have a license to carry concealed?</p> <p>16 A. Do I have to tell you that? I'm kidding. No, I</p> <p>17 don't.</p> <p>18 Q. If you --</p> <p>19 A. I don't.</p> <p>20 Q. Honestly, if -- it's not an important enough question</p> <p>21 that I would press you if you didn't --</p> <p>22 A. Yeah.</p> <p>23 Q. -- want to answer.</p> <p>24 A. I do not have one.</p> <p>25 Q. Okay. And do you have a military ID of any kind?</p>
<p>22</p> <p>1 Q. Uh-huh.</p> <p>2 A. Yes.</p> <p>3 Q. Do you know where you would get a copy if you lost</p> <p>4 yours?</p> <p>5 A. I've done it before. I'm trying to remember. County?</p> <p>6 County courthouse, I believe. I'm not sure.</p> <p>7 Q. It's not a quiz. It's just --</p> <p>8 A. I don't --</p> <p>9 Q. -- to the extent of your knowledge.</p> <p>10 A. No, I don't.</p> <p>11 Q. Okay.</p> <p>12 A. I know. But I can't remember.</p> <p>13 Q. Do you know how much it would cost?</p> <p>14 A. I don't.</p> <p>15 Q. Okay. Do you know how long it would take?</p> <p>16 A. No.</p> <p>17 Q. And how would you go about finding out, if you had to</p> <p>18 find out?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. What ID are you carrying on your person today?</p> <p>21 A. ID?</p> <p>22 Q. Uh-huh.</p> <p>23 A. Several. Texas driver's license.</p> <p>24 Q. Okay. Do you -- well, let me try and narrow it down.</p> <p>25 What photo ID do you have on your person today?</p>	<p>24</p> <p>1 A. No.</p> <p>2 Q. Okay. And your legislator ID, does that establish</p> <p>3 your identity for purposes of entering the Capitol?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. What is the drinking age in Texas?</p> <p>6 A. 21.</p> <p>7 Q. Okay. Are you aware of individuals having ever</p> <p>8 created counterfeit photographic identification cards in Texas?</p> <p>9 MR. SWEETEN: Objection, vague and compound.</p> <p>10 You can answer.</p> <p>11 THE WITNESS: I'm sorry?</p> <p>12 MR. SWEETEN: I objected to the question as vague</p> <p>13 and compound --</p> <p>14 THE WITNESS: Oh.</p> <p>15 MR. SWEETEN: -- but you can answer the</p> <p>16 question --</p> <p>17 THE WITNESS: Oh.</p> <p>18 MR. SWEETEN: -- if you've heard about it.</p> <p>19 A. I've heard -- I've heard about it.</p> <p>20 Q. Okay. And have you heard of individuals creating</p> <p>21 counterfeit photographic identification cards for the purpose of</p> <p>22 obtaining alcohol?</p> <p>23 MR. SWEETEN: Same objection.</p> <p>24 Go ahead. You can answer, if you can.</p> <p>25 A. I've heard of it.</p>



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<p>1 Q. Are you aware of any convictions for fake IDs in the 2 State of Texas in the last 20 years related to alcohol purposes? 3 A. I'm not aware specifically, no. 4 Q. Okay. Are you aware of any investigated incidents 5 concerning the use of fake IDs in Texas? 6 A. I'm not specifically aware, no. 7 Q. Okay. Are you aware of what the security features are 8 on a Texas driver's license? 9 A. No. 10 Q. Okay. Are you aware of whether S.B. 14, the 11 photographic voter identification bill that we will be 12 discussing at length later, provides financing for polling 13 places to have black lights to test the validity of a Texas 14 driver's license? 15 MR. SWEETEN: You can testify about what's in the 16 text of the bill. In answering the question, don't reveal any 17 sort of thought processes and mental impressions about the bill 18 that you have. But you can answer -- 19 THE WITNESS: Okay. 20 MR. SWEETEN: -- based on the text of the bill. 21 A. My answer to that is I don't -- I don't recall. 22 Q. Okay. And are you aware of whether there's funding 23 relating to barcode scanners for testing the validity of a Texas 24 driver's license? 25 A. I don't --</p>	<p>25</p> <p>1 A. Two or three miles. 2 Q. Less than 20 minutes away? 3 A. Yes. 4 Q. Less than 10 minutes away? 5 A. Probably 10 minutes, yeah. 6 Q. Okay. And when is the last time you voted on election 7 day? 8 A. I don't remember. 9 Q. Okay. 10 A. I usually vote early. 11 Q. And if you were to vote on election day, do you know 12 where your precinct is? 13 A. Yes. 14 Q. And how far is the precinct from your house? 15 A. Not far. 16 Q. Less than five minutes? 17 A. Yes. 18 Q. Okay. 19 A. Although this year my precinct location was closed. 20 Q. Okay. 21 A. So we were rerouted to another location, but still 22 within ten minutes of my house. 23 Q. Okay. How do you usually communicate with your 24 legislative colleagues in terms of the medium you use? Phone? 25 E-mail?</p>
<p>1 MR. SWEETEN: Same instruction. 2 A. I don't recall. 3 Q. Okay. Have you ever seen a U.S. citizenship 4 certificate? 5 A. I don't recall seeing one. 6 Q. Okay. Have you ever seen a tribal ID? 7 A. No. 8 Q. With regard to the citizenship certificate, are you 9 aware of what photo they usually contain? 10 A. No. 11 Q. Okay. How much does gas go for in San Antonio these 12 days? 13 A. Regular? 14 Q. Sure, regular. 15 A. \$3.66. 16 Q. Okay. And when was the last time you voted? 17 A. In the primary. 18 Q. Okay. How long ago was that, just for the record? 19 A. I voted early. The primary was -- so it must -- it 20 must have been mid May. 21 Q. Okay. And how far is the early voting center from 22 your house? 23 A. Oh, the closest one is a couple of miles, three miles 24 maybe. 25 Q. So less than --</p>	<p>26</p> <p>1 A. Typically by phone. 2 Q. Okay. How often during a week of legislative session 3 do you communicate via e-mail? 4 A. Less often than when we're not in session. 5 Q. Okay. More than ten times a week? 6 A. Communicate with members? 7 Q. With your legislative colleagues, yes. 8 A. Oh, probably fewer than ten times a week, yeah. When 9 we're in session, I see them personally. 10 Q. Okay. More than five? 11 A. I don't -- I don't count. I don't know. 12 Q. Okay. Just an approximation. 13 A. Yeah. Not very often. 14 Q. Okay. Do you communicate with other members via text 15 message? 16 A. Yes. 17 Q. And do you communicate with your staff via e-mail 18 during the session? 19 A. Occasionally. 20 Q. Okay. Text message? 21 A. Yes. 22 Q. Okay. When you e-mail with your staff during the 23 session, do you use your official account or your personal 24 account? 25 A. Both.</p>



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<p>1 A. -- until recently, and it was a -- I don't -- I don't 2 think it -- I don't think it was in Spanish, no. 3 Q. Okay. 4 A. I may have -- actually, I may have -- I can't 5 remember. I might have. 6 Q. Might have? Not certain? 7 A. Yeah. 8 Q. That's fine. 9 Have you ever campaigned -- actually, excuse me. 10 In your first election -- 11 A. Uh-huh. 12 Q. -- did you campaign at all on issues related to voter 13 fraud? 14 MR. SWEETEN: You can talk about public speeches 15 you made in the campaign. 16 A. Yeah. I don't -- I don't recall. I believe my -- the 17 issues I campaigned on were generally fiscal issues. 18 Q. Okay. Did you have any republican challengers in 19 2006? 20 A. No. 21 Q. 2008? 22 A. No. 23 Q. 2010? 24 A. No. 25 Q. This year?</p>	<p>37</p> <p>1 Q. And again, you're not certain if any of those were in 2 Spanish? 3 A. I don't recall any in Spanish. 4 Q. Okay. What issues did you campaign on? 5 A. General record of the legislature. 6 Q. Okay. Anything related to voter ID? 7 A. Perhaps, as part of a list of accomplishments. 8 Q. Okay. Anything specific to voter ID other than as an 9 accomplishment? 10 A. I don't recall. 11 Q. Anything about voter fraud? 12 A. I don't recall. 13 Q. Have you ever had any general election opponent, 14 democratic or libertarian, who got more than 40 percent in the 15 general election? 16 A. No. 17 Q. Okay. Then we can skip that. 18 Was immigration an issue at all in the 2010 -- or 19 excuse me -- in the primary that just happened in 2012? 20 A. Immigration? 21 Q. Immigration. 22 MR. SWEETEN: Objection, vague. 23 Are you asking about his campaign or just 24 generally was immigration an issue? 25 Q. Did either you or your opponent raise the issue of</p>
<p>1 A. Yes. 2 Q. And that election just happened, and I believe you 3 won. Am I correct? 4 A. Correct. 5 Q. Congratulations. 6 A. Thank you. 7 Q. What was the -- what was the spread, the result in 8 terms of -- 9 A. Over and -- 10 Q. -- percentages? 11 A. Over and under? 12 Q. Over and under 50 -- 13 A. Yeah. 14 Q. -- is what matters. 15 A. Yeah. It was -- I believe it was 63. 16 Q. Okay. And you said that previously you hadn't done 17 much in the way of advertising, but you had this cycle; is that 18 correct? 19 A. That's correct. 20 Q. Did you do TV? 21 A. Yes. 22 Q. Radio? 23 A. Yes. 24 Q. Mailers? 25 A. Yes.</p>	<p>38</p> <p>1 immigration? 2 A. My opponent might have. 3 Q. Did you? 4 A. I don't -- I don't recall. No, I don't think so. 5 Q. Do you remember what your opponent said related to 6 immigration? 7 A. I believe he cited disappointment in the lack of an 8 immigration related bill passing the legislature. 9 Q. Do you remember, was that a specific bill? 10 MR. SWEETEN: That he cited? 11 MR. FREEMAN: Yes. 12 MR. SWEETEN: You can answer as phrased. 13 A. I believe he was disappointed that the Sanctuary 14 Cities bill did not pass. 15 Q. Okay. And for the record, what was your opponent's 16 name? 17 A. I try to not remember. Matt -- Matt Beebe. 18 Q. Okay. 19 A. Yeah. 20 Q. In each of your elections, have different numbers of 21 voters turned out in terms of the total number of ballots cast? 22 A. I'm sure. 23 Q. What factors were -- did you perceive to be related to 24 the different levels of turnout, to the extent of your 25 knowledge?</p>



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<p>1 A. I suppose whether or not the election was a 2 presidential election year, typically. 3 Q. Anything else? 4 A. No. 5 Q. Okay. Why did you initially decide to run? 6 A. There was an open seat in the legislature. 7 Q. Were you encouraged to run by anyone? 8 A. Certain friends who had thought over the years that I 9 might have an interest in further public service. 10 Q. Did you have any hired campaign staff in the first 11 election? 12 A. Yes. 13 Q. And who were they? 14 A. A fellow named James Barry is the only one that I 15 think was hired. 16 Q. Okay. Did you have any consultants? 17 A. Yes. 18 Q. And who were they? 19 A. Frank Guerra. 20 Q. Okay. Anyone else? 21 A. No, not that I remember. 22 Q. Did you have any consultants in this last primary? 23 A. Yes. 24 Q. And who were they? 25 A. There's a list. I don't --</p>	<p>41</p> <p>1 Q. -- if naming one would offend the others -- 2 A. No. 3 Q. -- it's okay. 4 A. No. 5 Q. All right. How would you describe the district that 6 you just ran in, which is, I guess, the interim district by the 7 San Antonio court? 8 A. I'm not sure I can -- 9 Q. In terms of -- well, in terms of the economics of the 10 district? 11 A. I guess you -- I mean, you could look at the 12 demographics of the district. 13 Q. I mean, is it relatively affluent for Texas or for 14 Bexar County? 15 A. Relatively. 16 Q. Okay. 17 A. It's not -- I wouldn't say it's the most affluent in 18 Bexar County. 19 Q. Okay. And is it -- am I correct that it's northern 20 Bexar County? 21 A. Yes. 22 Q. Okay. And what are the demographics like in terms of 23 is it relatively Anglo, relatively Latino? 24 A. I can't remember. 25 Q. Okay.</p>
<p>1 Q. Is it a list that you recall? 2 A. You know, I could get it for you. I don't -- 3 Q. It's okay. Any highlights? 4 A. Frank Guerra again. 5 Q. Okay. 6 A. But -- and others. 7 Q. Okay. Did you have any particular major donors or 8 bundlers in the first election? 9 A. No. 10 Q. Any in the primary you just went through? 11 A. Not specific to the primary. 12 Q. Okay. Any major bundlers or donors who have supported 13 you in the last couple of years? 14 A. I have a large number of contributors that I've 15 attracted over the years. 16 Q. Okay. Any major endorsements in the last primary? 17 A. No. 18 Q. Okay. How would you describe the district that you 19 just ran in? So, I guess, the interim district -- 20 A. When you say major endorsements, I mean, I had a lot 21 of endorsements, but I'm not sure that there was any 22 blockbuster. 23 Q. Okay. Anything that you consider particularly 24 notable? And if -- 25 A. No.</p>	<p>42</p> <p>1 A. I know it's -- I don't recall exactly what the 2 breakdown is. I've seen it, but I don't remember. 3 Q. For Bexar County, is it relatively Anglo? 4 A. I would assume it's relatively -- a relatively high 5 percentage of Anglos for Bexar County, but I don't remember the 6 specifics. 7 Q. Is it relatively similar to the district that you had 8 run from previously, or has it been substantially changed? 9 A. I don't remember. 10 Q. Okay. So how about the district that you had run from 11 previously; is that relatively affluent? 12 A. I would say it's probably similar to the district as 13 it is now, maybe slightly less affluent than the recent 14 alterations. 15 Q. Is the Hispanic community in your old district more or 16 less affluent than the Anglo community? 17 A. I don't know. I would -- I don't know. 18 Q. Okay. 19 A. I would assume it would be -- mirror the demographics 20 of the county. 21 Q. Okay. 22 A. Don't know. 23 Q. Well, do you know if in the county as a whole the 24 Hispanic community is more or less affluent than the Anglo 25 community?</p>



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<p>1 A. I would assume less.</p> <p>2 Q. Is the driver's license office that you went to a</p> <p>3 little bit less than a year ago, is that in your district?</p> <p>4 A. No.</p> <p>5 Q. Is it on a mass transit route?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. Are there sidewalks nearby, to the best of your</p> <p>8 recollection?</p> <p>9 A. I think so.</p> <p>10 Q. Okay. All right. So let's move into legislative</p> <p>11 procedure then unless -- are you okay to keep going for a bit</p> <p>12 longer?</p> <p>13 A. Sure.</p> <p>14 Q. Okay. So as a general matter, do you believe that</p> <p>15 compliance with the Texas Constitution is an important</p> <p>16 consideration in the law-making process?</p> <p>17 MR. SWEETEN: Okay. When you're answering these</p> <p>18 questions, I don't want you to reveal your thought process, your</p> <p>19 mental impressions about specific legislation. Okay? If in</p> <p>20 answering the question, you're not doing so, then I will let you</p> <p>21 answer it as to a general matter. But do not reveal specific</p> <p>22 mental processes or impressions or motivations with respect to</p> <p>23 legislation when answering the question.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. FREEMAN: Do you need to have the question</p>	45	<p>1 A. I rely on legal counsel.</p> <p>2 Q. Okay. When you say legal counsel, do you mean the</p> <p>3 general counsel in your office?</p> <p>4 A. Or the parliamentarian or other House or legislative</p> <p>5 counsel.</p> <p>6 Q. By legislative counsel, do you mean the Texas</p> <p>7 Legislative Council?</p> <p>8 A. And others, yes.</p> <p>9 Q. Do they -- does the Texas Legislative Council offer</p> <p>10 formal opinions concerning compliance with the Texas</p> <p>11 Constitution, to the extent of your knowledge? If you don't</p> <p>12 know, it's okay.</p> <p>13 A. I'm not a lawyer, so I -- I don't -- sometimes I'm</p> <p>14 listening for things I shouldn't be answering because I don't</p> <p>15 know.</p> <p>16 Q. And that's fine. And I'll just say as a general</p> <p>17 matter, if you feel that you have to look over to your general</p> <p>18 counsel --</p> <p>19 A. Yeah.</p> <p>20 Q. -- because you don't know --</p> <p>21 A. Okay. I don't know.</p> <p>22 Q. -- just saying you don't know --</p> <p>23 A. I don't know. I don't.</p> <p>24 Q. -- is absolutely fine.</p> <p>25 A. I don't know.</p>	47
<p>1 read back to you?</p> <p>2 THE WITNESS: Sure.</p> <p>3 (Requested portion was read)</p> <p>4 A. Yes.</p> <p>5 Q. How do you ensure compliance with the Texas</p> <p>6 Constitution when you're working on developing a bill?</p> <p>7 MR. SWEETEN: Same instruction. Don't reveal</p> <p>8 matters of legislative privilege, your thought processes, your</p> <p>9 analysis when you're -- about specific legislation. If in</p> <p>10 answering the question you're not doing that and can answer as a</p> <p>11 general matter, I'll let you answer the question.</p> <p>12 A. Okay. I rely on legal counsel.</p> <p>13 Q. Okay. Any other steps that you take?</p> <p>14 A. No.</p> <p>15 Q. Do you believe that compliance with federal law is an</p> <p>16 important consideration in the law-making process?</p> <p>17 MR. SWEETEN: Same instruction.</p> <p>18 A. Yes.</p> <p>19 Q. And what steps do you take to ensure compliance with</p> <p>20 federal law when you're working on developing a bill?</p> <p>21 MR. SWEETEN: Same instruction. As to a specific</p> <p>22 bill, don't reveal your thoughts, mental processes, motivations,</p> <p>23 impressions about legislation. If you can answer the question</p> <p>24 without doing that, you can answer it. Otherwise, do not answer</p> <p>25 it.</p>	46	<p>1 Q. That's fine. Again, it's not a pop quiz. If you</p> <p>2 don't know an answer, that's an answer.</p> <p>3 A. Okay.</p> <p>4 Q. Not that I want you to say you don't know, but you</p> <p>5 understand.</p> <p>6 Last one of these questions. Do you believe that</p> <p>7 compliance with the federal Voting Rights Act is an important</p> <p>8 consideration in the law-making process?</p> <p>9 MR. SWEETEN: If you can answer the question</p> <p>10 without revealing your thoughts and mental impressions about</p> <p>11 specific legislation, I'll allow you to do so as a general</p> <p>12 matter. Do not reveal your mental impressions or thought</p> <p>13 processes regarding specific legislation in answering the</p> <p>14 question.</p> <p>15 A. I would -- I would say I'd consider complying with</p> <p>16 federal law is important.</p> <p>17 Q. Okay. And what steps do you take, as a general</p> <p>18 matter, not related to any specific legislation or thoughts or</p> <p>19 mental impressions, how do you ensure that compliance with the</p> <p>20 Voting Rights Act occurs when you're developing a bill?</p> <p>21 MR. SWEETEN: Same instruction.</p> <p>22 A. Yeah. I -- I rely on legal advice.</p> <p>23 Q. Okay. And just a quick question: You said the</p> <p>24 parliamentarian provides advice as well. Is that with regard to</p> <p>25 the procedures of the Texas House or in some way with the</p>	48



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June 11, 2012

<p>1 legality of -- the substantive legality of bills?</p> <p>2 A. Mainly with the procedures of the Texas House.</p> <p>3 Q. But any -- any advice outside, legal advice outside of</p> <p>4 those procedures?</p> <p>5 A. Well, he is a lawyer, but typically, just for</p> <p>6 advice -- procedural advice and rules of the House.</p> <p>7 Q. Okay. And is the parliamentarian a member of the</p> <p>8 Speaker's staff, or does the parliamentarian work for the House</p> <p>9 as a whole?</p> <p>10 A. Works for the House.</p> <p>11 Q. Okay. Who is the current parliamentarian?</p> <p>12 A. Chris Griesel.</p> <p>13 Q. Okay. But am I correct that Ms. Davis used to be the</p> <p>14 parliamentarian of the House?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. Okay. So we had previously discussed that you</p> <p>17 were deposed during the redistricting preclearance litigation,</p> <p>18 Texas V. United States, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And you testified under oath during that deposition,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you didn't assert a legislative privilege</p> <p>24 in that deposition, correct?</p> <p>25 THE WITNESS: Did I?</p>	<p>49</p> <p>1 A. Yes, I see that.</p> <p>2 Q. Is that still your testimony today?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And if you look at Page 22, would it be fair to</p> <p>5 say that you explain that your power of appointment includes the</p> <p>6 power to appoint committee chairs, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Is that still your testimony today?</p> <p>9 A. Yes.</p> <p>10 Q. And would it be fair to say that you also appoint --</p> <p>11 excuse me.</p> <p>12 And you appoint the chairs of the standing substantive</p> <p>13 committees; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And do you also appoint the chairs of standing</p> <p>16 procedural committees?</p> <p>17 A. Yes.</p> <p>18 Q. And the conference committees?</p> <p>19 A. Yes.</p> <p>20 Q. And select committees?</p> <p>21 A. Yes.</p> <p>22 Q. And if we continue to Page 23, would it be accurate to</p> <p>23 say that you explained that you appoint half the membership of</p> <p>24 standing substantive committees, correct?</p> <p>25 A. It's -- I believe that's right, yes.</p>
<p>1 JUDGE PHILLIPS: If you remember.</p> <p>2 A. I don't --</p> <p>3 Q. To the extent of your recollection.</p> <p>4 A. I -- I don't --</p> <p>5 Q. If you don't --</p> <p>6 A. -- I don't remember.</p> <p>7 Q. If you don't remember, you don't remember.</p> <p>8 A. No.</p> <p>9 Q. Okay. I'd like to put in front of you what I'd like</p> <p>10 to have marked U.S. 462.</p> <p>11 (Exhibit No. 462 marked)</p> <p>12 Q. And I'll represent to you that this is only a partial</p> <p>13 excerpt of a far longer document.</p> <p>14 Have you seen this document before?</p> <p>15 A. I don't believe so.</p> <p>16 Q. Are you able to tell from the face of the document</p> <p>17 what the document is?</p> <p>18 A. Oral deposition of Texas House Speaker.</p> <p>19 Q. Okay. Could you take a look at the end of Page 20 and</p> <p>20 the beginning of Page 21?</p> <p>21 A. Okay.</p> <p>22 Q. Would it be fair to say that you explained in your</p> <p>23 prior deposition that the informal powers of the speaker rest in</p> <p>24 two categories, the power of appointment and control the flow of</p> <p>25 legislation?</p>	<p>50</p> <p>1 Q. But the other half is appointed according to so-called</p> <p>2 seniority picks, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Is that still your testimony?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Can you explain the seniority picks system to</p> <p>7 me?</p> <p>8 MR. SWEETEN: Don't reveal -- in answering the</p> <p>9 question, don't reveal your thought processes with respect to</p> <p>10 any specific --</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. SWEETEN: -- piece of legislation. Okay?</p> <p>13 THE WITNESS: Yeah.</p> <p>14 MR. SWEETEN: If you can answer the question</p> <p>15 without doing that, then you can. Otherwise --</p> <p>16 THE WITNESS: Yeah.</p> <p>17 MR. SWEETEN: -- I'm going to instruct you not to</p> <p>18 answer the question.</p> <p>19 A. We -- members at the beginning of a session fill out</p> <p>20 committee request cards --</p> <p>21 Q. Uh-huh.</p> <p>22 A. -- based on their personal preferences and on their</p> <p>23 seniority.</p> <p>24 Q. Okay. And am I correct that the -- each member gets</p> <p>25 one pick based on seniority where their top choice, they -- they</p>



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<p>1 get that automatically?</p> <p>2 A. Well --</p> <p>3 MR. SWEETEN: Same instruction.</p> <p>4 Q. If they are the most senior person who wanted that</p> <p>5 slot?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And the Elections committee is a substantive</p> <p>8 standing committee, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So if a senior member wanted to be on a</p> <p>11 particular substantive standing committee and they were the most</p> <p>12 senior members requesting that slot, you would not be able to</p> <p>13 keep him or her off that committee, correct?</p> <p>14 A. Correct.</p> <p>15 Q. You would only be able to decide that that member</p> <p>16 would not be the chair or vice chair, correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. However, you appoint the full membership of a</p> <p>19 select committee, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And there are no seniority picks for select</p> <p>22 committees?</p> <p>23 A. No.</p> <p>24 Q. Okay. And you have the power to convene a select</p> <p>25 committee; is that correct?</p>	<p>53</p> <p>1 Q. Okay. And is that still your testimony?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. With regard to the flow of legislation, if you</p> <p>4 can look at Page 26, you explain that you have the power to</p> <p>5 recognize or not to recognize certain bills, correct?</p> <p>6 MR. SWEETEN: Caution the witness to take the</p> <p>7 time you need to review the document --</p> <p>8 MR. FREEMAN: Yeah.</p> <p>9 MR. SWEETEN: -- he's asking about.</p> <p>10 Q. Absolutely.</p> <p>11 A. Yes, the answer I gave here is accurate.</p> <p>12 Q. Okay.</p> <p>13 A. It says, you know, that the Speaker has some power of</p> <p>14 recognizing certain bills or not, which is rarely ever used.</p> <p>15 It's more of a consensus building among committee chairs is how</p> <p>16 the flow is establish.</p> <p>17 Q. Can you explain to me what it would mean for the</p> <p>18 Speaker not to recognize a bill?</p> <p>19 A. It would be extraordinary.</p> <p>20 Q. Okay. You could, but you don't, as a general matter;</p> <p>21 is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you decide to which committees particular</p> <p>24 bills will be referred, you or your office?</p> <p>25 A. The parliamentarian really does the -- does the</p>
<p>1 A. To convene one?</p> <p>2 Q. Yes.</p> <p>3 A. It's -- that power is given in the rules, yes, I think</p> <p>4 so.</p> <p>5 Q. Okay.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you -- are you aware of any limitations on when you</p> <p>8 may appoint a select committee?</p> <p>9 MR. SWEETEN: You can answer as general matter</p> <p>10 of -- of procedure.</p> <p>11 A. No.</p> <p>12 Q. Okay. Are there any rule-based limitations of which</p> <p>13 you are aware concerning the subject matter that a select</p> <p>14 committee may address?</p> <p>15 A. No.</p> <p>16 Q. Okay. So effectively, the appointment of a select</p> <p>17 committee allows the Speaker to exclude particular members from</p> <p>18 the committee process addressing a particular bill, if the</p> <p>19 Speaker so chose, correct?</p> <p>20 MR. SWEETEN: Same instruction. Go ahead.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, you also said in your redistricting</p> <p>23 deposition that you have control over legislative matters, is</p> <p>24 that correct, just the legislative process to some extent?</p> <p>25 A. I guess to some extent.</p>	<p>54</p> <p>1 distribution to committees.</p> <p>2 Q. Okay.</p> <p>3 MR. FREEMAN: If we could try and -- well, if we</p> <p>4 could have this marked as U.S. 463,</p> <p>5 (Exhibit No. 463 marked)</p> <p>6 Q. And first off, are you aware of whether a separate set</p> <p>7 of rules for the Texas House were published for the 82nd</p> <p>8 legislature?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And what is the document in front of you?</p> <p>11 A. Rules and Precedence of the Texas House 81st</p> <p>12 Legislature.</p> <p>13 Q. Are you aware of whether the rules for the 82nd</p> <p>14 legislature have been posted on the Texas House's web site?</p> <p>15 A. I would assume they are. Don't know.</p> <p>16 Q. Okay. If you could take a quick look at Rule 1,</p> <p>17 Section 4 on Page 3.</p> <p>18 A. Okay.</p> <p>19 Q. And is it the case that Rule 1, Section 4 states that,</p> <p>20 "All proposed legislation shall be referred by the speaker to an</p> <p>21 appropriate standing or select committee with jurisdiction"?</p> <p>22 A. That's what it says.</p> <p>23 Q. Did that rule change in the 82nd legislature?</p> <p>24 A. I don't think so.</p> <p>25 Q. So is it possible that that's a -- a duty of the</p>



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June 11, 2012

<p>57</p> <p>1 Speaker but one that is largely delegated?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. I just wanted to clear that up.</p> <p>4 Are there standing committees with overlapping</p> <p>5 jurisdiction?</p> <p>6 A. Yes.</p> <p>7 Q. And so if a bill could arguably go before one</p> <p>8 committee or another, is that your call?</p> <p>9 A. I delegate to the -- to the parliamentarian --</p> <p>10 Q. Okay.</p> <p>11 A. -- on the referral of bills.</p> <p>12 Q. Are there any bills where you ever -- let me try and</p> <p>13 structure the question.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Your counsel is rightfully making a little bit of</p> <p>16 noise. Let me try and rephrase that.</p> <p>17 As a general matter, would you ever make the call</p> <p>18 yourself if it were a more important bill and there was some</p> <p>19 question as to what committee it would be referred to, without</p> <p>20 addressing any specific bills or your thoughts about any</p> <p>21 specific individual bills?</p> <p>22 MR. SWEETEN: You can answer the question as a</p> <p>23 general matter. Just don't reveal matters related to specific</p> <p>24 legislation.</p> <p>25 A. I don't recall an instance where I had any</p>	<p>59</p> <p>1 A. Rarely, if ever.</p> <p>2 Q. Okay. Do you have the power to introduce bills as</p> <p>3 Speaker?</p> <p>4 A. Boy, I don't know. I haven't.</p> <p>5 Q. Okay.</p> <p>6 A. I'm not sure.</p> <p>7 Q. You answered my next question before I even asked it.</p> <p>8 A. Yeah.</p> <p>9 Q. Do you have the power to vote on bills?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have the power to vote on amendments?</p> <p>12 A. I assume so, yes.</p> <p>13 Q. Have you done so since you became Speaker?</p> <p>14 A. Very rarely.</p> <p>15 Q. Approximately how many times, to your recollection?</p> <p>16 A. I voted for the budget. I don't recall any other</p> <p>17 votes.</p> <p>18 Q. Okay. Does the Speaker's office, as a typical</p> <p>19 procedure, gather signatures of votes before a bill is released?</p> <p>20 MR. SWEETEN: You can answer as a general matter.</p> <p>21 A. Gather signatures?</p> <p>22 Q. Gather commitments to vote for a bill from individual</p> <p>23 legislators. I guess what in -- what in Washington is referred</p> <p>24 to as whipping a bill.</p> <p>25 A. Oh. That's -- typically not, no. The various</p>
<p>58</p> <p>1 disagreement with the parliamentarian in the delegation of</p> <p>2 that --</p> <p>3 Q. Okay.</p> <p>4 A. -- of that duty.</p> <p>5 Q. Okay. Can you be overruled by members of the House in</p> <p>6 terms of the referral of a bill to a particular committee?</p> <p>7 MR. SWEETEN: You can testify about general</p> <p>8 legislative procedures.</p> <p>9 A. I don't -- I don't know.</p> <p>10 Q. Has that ever happened in -- in your --</p> <p>11 A. Hasn't happened since I've -- no.</p> <p>12 Q. Okay. Am I correct that you also rule on points of</p> <p>13 order during legislative debate?</p> <p>14 A. Yes.</p> <p>15 Q. Now, if you could turn to Page 27 of your deposition,</p> <p>16 which is, again, U.S. 462.</p> <p>17 A. 27? Okay. Uh-huh.</p> <p>18 Q. Am I correct that you explained on Page 27 that you</p> <p>19 coordinate with the Lt. Governor to decide which body will act</p> <p>20 first on certain bills?</p> <p>21 A. We have from time to time.</p> <p>22 Q. Is -- so that's still your testimony today?</p> <p>23 A. In certain matters, yes.</p> <p>24 Q. Are you at all involved in deciding who will carry a</p> <p>25 senate bill when it comes to the House?</p>	<p>60</p> <p>1 caucuses might do that.</p> <p>2 Q. Okay. But not the Speaker's office?</p> <p>3 A. Typically not.</p> <p>4 Q. Okay. Do you direct your staff to develop summaries</p> <p>5 of floor amendments for major bills?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Okay.</p> <p>8 MR. FREEMAN: If we could mark this U.S. 464.</p> <p>9 (Exhibit No. 464 marked)</p> <p>10 Q. And I'll represent to you that this is part of a</p> <p>11 larger document produced by the State of Texas to the attorney</p> <p>12 general on May 11th. And it sets out documents that have been</p> <p>13 withheld from the attorney general on the basis of assertions of</p> <p>14 privilege. If you could look on Page 126, which is actually</p> <p>15 just the second page of the document.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Do you see the first entry says, "S.B. 14 Floor</p> <p>18 amendment summaries from the files of Speaker Straus"?</p> <p>19 A. I see that.</p> <p>20 Q. Are you aware of whether you ever individually</p> <p>21 reviewed -- was that -- sorry. Strike that.</p> <p>22 Was that document ever transmitted to you?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Okay. And during your redistricting deposition -- I'm</p> <p>25 not sure if this is in the excerpt that I provided you -- you</p>



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June 11, 2012

<p>1 previously testified that Gerardo Interiano was deeply involved 2 in providing -- providing substantive input concerning 3 redistricting, correct? 4 A. He was involved in redistricting, yes. 5 Q. Are you or your staff typically involved in providing 6 substantive input on other members' bills besides in 7 redistricting? 8 MR. SWEETEN: Objection, vague. 9 You can answer as a general matter. 10 A. Ask it again. 11 Q. Are you or your staff typically involved in providing 12 substantive input on other members' bills prior to a bill being 13 released? 14 MR. SWEETEN: Same objection and instruction. 15 A. I -- I don't. 16 Q. Okay. Are you aware if your staff does? 17 A. What was the term you used? 18 Q. Substantive input. 19 A. No. 20 Q. Okay. Before you became Speaker of the House, what 21 committees did you serve on? 22 A. I served on Pensions and Investments. I served on 23 Regulated Industries. And I served on a committee that has been 24 reformulated, Civil Practices. I'm not sure what it was called 25 back when I first started.</p>	61	<p>1 Q. Okay. I'm about to get into a new topic. So if you'd 2 like to take a five-minute break now. 3 A. I might go to the -- 4 Q. Okay. 5 A. -- boys room, if that's okay. 6 MR. FREEMAN: All right. We can go off the 7 record. 8 (Recess 10:45 a.m. to 10:53 a.m.) 9 Q. We're back on the record after a short break. 10 Speaker Straus, are you a member of the American 11 Legislative Exchange Council? 12 A. A member? 13 Q. Do you participate in the American Legislative 14 Exchange Council? 15 A. I go to a number of conferences in the summer, and 16 that's -- that's one of them, yes. 17 Q. Do you ever direct your staff to speak with the 18 American Legislative Exchange Council concerning particular 19 legislation? 20 A. No. 21 MR. SWEETEN: Don't answer the question to the 22 extent it would reveal matters of legislative privilege, okay, 23 as to what you would -- your analysis in a bill, et cetera. 24 Don't reveal -- 25 THE WITNESS: Okay.</p>	63
<p>1 Q. Okay. What does the Civil Practices committee 2 address? 3 A. What was it called? What was that committee called 4 before? Judiciary. It was called judiciary. 5 Q. Okay. Yeah. 6 So is it often that non-attorneys are appointed to the 7 Judiciary committee? 8 A. Yes. 9 Q. Okay. Were you chairman or vice chairman of any 10 committees? 11 A. Oh, I was also on economic development for a while. 12 Q. Okay. 13 A. And the vice chair of that committee. 14 Q. Okay. Did you ever serve on a select committee? 15 A. Yes. 16 Q. Which select committee? 17 A. There was a select committee on 18 electric -- electricity and -- and electric power. 19 Q. Was this after the fallout from Enron? 20 A. No. It had more to do with capacity -- 21 Q. Okay. 22 A. -- and projecting decades out. 23 Q. Okay. Am I correct that the Speaker does not serve on 24 individual committees? 25 A. That's correct.</p>	62	<p>1 MR. FREEMAN: Mr. Sweeten, to the extent that 2 this is a communication with an outside advocacy group -- 3 MR. SWEETEN: It's certainly fine for him to 4 discuss any communications that he or his staff are aware of 5 with this outside group. He's not going to give his mental 6 impressions or thought process about any specific legislation as 7 that's prohibited. So I think that's -- I think that's where 8 the line would be properly drawn. 9 Q. Okay. Well, did you ever ask anyone from the American 10 Legislative Exchange Council for a modelled bill concerning 11 voter ID? 12 MR. SWEETEN: Same objection. I think that would 13 ask him to reveal his thought processes regarding specific 14 legislation if you were to ask him to reveal that information. 15 He can testify as to whether he had a contact with them. And 16 he -- in fact, because I think that they would be not a 17 constituent, they would -- you would be allowed to ask him any 18 specific questions that he's -- or discussions he's had with 19 them. But as far as this legislative process, you can't ask him 20 that question that way. 21 MR. FREEMAN: Mr. Sweeten, do I have to take 22 out -- 23 MR. SWEETEN: Mr. Freeman -- 24 MR. FREEMAN: -- the Court's order in which the 25 Court said that communications with constituents, lobbyists and</p>	64



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<p>1 A. I don't recall.</p> <p>2 Q. Okay. Let's see if we can refresh your recollection.</p> <p>3 A. August of '11. Okay.</p> <p>4 MR. FREEMAN: If we could have this marked as</p> <p>5 U.S. 465.</p> <p>6 (Exhibit No. 465 marked)</p> <p>7 Q. Do you recognize this document?</p> <p>8 A. I don't.</p> <p>9 Q. Have you seen this document before?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. What is this document?</p> <p>12 MR. SWEETEN: Caution the witness to take the</p> <p>13 time you need to review the document.</p> <p>14 A. I'm not sure what it is.</p> <p>15 Q. Is it possible that is a briefing paper --</p> <p>16 A. Oh, yes.</p> <p>17 Q. -- prepared by your staff?</p> <p>18 A. Yeah, uh-huh.</p> <p>19 Q. Okay.</p> <p>20 A. Briefing paper for 8/15.</p> <p>21 Q. And does this briefing paper refresh your recollection</p> <p>22 as to whether you met with San Antonio Tea Party leaders on</p> <p>23 August 15th, 2011?</p> <p>24 A. Yes.</p> <p>25 Q. And are you aware of whether that meeting was recorded</p>	<p>69</p> <p>1 A. Okay.</p> <p>2 Q. Do you see where this says, "Not only voter ID - which</p> <p>3 I was pleased to see passed this session, but also important</p> <p>4 Election Integrity Reform to stop vote harvesting"?</p> <p>5 A. I see that.</p> <p>6 Q. Do you recall if you spoke with that group concerning</p> <p>7 voter ID and election integrity reform?</p> <p>8 A. I don't recall. It's certainly possible.</p> <p>9 Q. Okay. If you could turn back to the second page,</p> <p>10 which is marked TX_00012591, just to clear up something from</p> <p>11 earlier. Do you see under Background, if you could read through</p> <p>12 that real quickly, part 2?</p> <p>13 A. I see that, yes.</p> <p>14 Q. Was your staff under the impression that the meeting</p> <p>15 was likely to be focused primarily on immigration and state</p> <p>16 sovereignty issues?</p> <p>17 MR. SWEETEN: Objection, calls for speculation.</p> <p>18 Q. You may answer.</p> <p>19 A. It says, "the meeting is likely to be focused</p> <p>20 primarily on immigration and state sovereignty issues."</p> <p>21 Q. In your experience, were audiences that were concerned</p> <p>22 with sanctuary cities or immigration issues typically also</p> <p>23 interested in voter ID?</p> <p>24 MR. SWEETEN: Objection, compound. Objection.</p> <p>25 Calls for speculation.</p>
<p>1 in any fashion?</p> <p>2 A. I'm not aware.</p> <p>3 Q. Was the meeting closed to the media?</p> <p>4 A. I believe so.</p> <p>5 Q. Is that your typical practice, in terms of when you</p> <p>6 meet with constituents, that -- is it -- are -- are such</p> <p>7 meetings typically closed to the media?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. If you could take -- take a moment to just kind</p> <p>10 of read through for a bit.</p> <p>11 A. Uh-huh.</p> <p>12 Q. Are you aware of whether the San Antonio Tea Party was</p> <p>13 particularly interested in the Sanctuary Cities issue?</p> <p>14 A. I don't recall what their main issues are.</p> <p>15 Q. Okay. Do you recall whether you -- and if you could</p> <p>16 look on the page marked TX_00012594 --</p> <p>17 A. Where would I find that?</p> <p>18 Q. -- the fourth page of the -- or fifth page of the</p> <p>19 document.</p> <p>20 MR. SWEETEN: It's up there.</p> <p>21 A. Fifth page?</p> <p>22 Q. Fifth page of the document.</p> <p>23 MR. SWEETEN: And you're saying 594 are the last</p> <p>24 three digits?</p> <p>25 MR. FREEMAN: Yep.</p>	<p>70</p> <p>1 Also, in answering the question, I don't want you to</p> <p>2 reveal your thoughts or mental impressions about legislation.</p> <p>3 Okay? So if you can answer the question without doing so, you</p> <p>4 can go ahead and provide him an answer.</p> <p>5 A. The question is?</p> <p>6 Q. The question was, in your experience and in your</p> <p>7 communications with constituents, were constituents who were</p> <p>8 interested in immigration and state sovereignty typically also</p> <p>9 interested in voter ID?</p> <p>10 MR. SWEETEN: Same objection -- objections</p> <p>11 expressed and same instruction.</p> <p>12 Q. If you need to me to repeat it, I can.</p> <p>13 A. I don't -- I don't have expectations about what people</p> <p>14 are interested in when I meet with them.</p> <p>15 Q. Have they often expressed interest in those issues</p> <p>16 together, the same constituents?</p> <p>17 A. I don't -- I don't --</p> <p>18 MR. SWEETEN: Objection, foundation, calls for</p> <p>19 speculation. Objection, compound.</p> <p>20 You can testify as to matters of the public</p> <p>21 record.</p> <p>22 A. I don't know.</p> <p>23 MR. FREEMAN: Mr. Sweeten, the representative --</p> <p>24 the Speaker can testify as to his communications with</p> <p>25 constituents that are not matters of the public record. And so</p>



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June 11, 2012

<p>1 I will ask you to withdraw and not reassert that same objection. 2 MR. SWEETEN: Okay. Understand where I'm coming 3 from then, because you don't -- you don't seem to understand 4 what I'm saying. Okay? What he's not going to do -- and he 5 will, if -- if asked, he will disclose, as the Court order has 6 provided, constituent communications. Okay? When you're asking 7 him now to compare one audience's hearsay as to another 8 audience's hearsay, then potentially you -- you are asking him 9 for his qualitative judgment, which could impact the legislative 10 privilege. I think this is all of no moment because he's 11 indicated that he doesn't know. But I'm telling you -- I mean, 12 I'm not -- the objection is not just based on the fact that 13 there's a constituent communication. It's the fact you're 14 asking him to provide an analysis and thought process regarding 15 that, which could impact the legislative privilege.</p> <p>16 MR. FREEMAN: I think that's a mighty thin could 17 for a mighty long objection.</p> <p>18 MR. SWEETEN: Okay. Well, let --</p> <p>19 MR. FREEMAN: So --</p> <p>20 MR. SWEETEN: -- let me just tell you I object to 21 the sidebar. I'm not really particularly concerned with what 22 you think of my objections. Okay? I'm going to make them as I 23 think are appropriate, and I'll continue to do so.</p> <p>24 Q. What are the King Street Patriots?</p> <p>25 A. I don't know who they are.</p>	<p>73</p> <p>1 say to you? 2 A. Not specifically. 3 Q. Okay. Did you ever speak with any experts concerning 4 voter ID, any Ph.D. holding professors or anything of the type? 5 MR. SWEETEN: Okay. I'm going to -- I'm going to 6 instruct you at this point that when he's asking you this 7 question, it could implicate matters of the legislative 8 privilege, including any analysis, thought processes that you 9 had in reviewing legislation. So to the extent the question 10 asks for that information, don't provide that. To the extent it 11 does not, you can -- you can answer the question as phrased. 12 A. No. 13 Q. Okay. 14 A. That I recall. 15 Q. That's fine. 16 Did you ever speak with any minority groups concerning 17 voter ID? 18 MR. SWEETEN: You can answer the question. 19 A. I don't -- I don't recall speaking -- I don't recall. 20 Q. Okay. Let me just be specific and see if I can jog 21 your recollection at all. 22 Did you ever meet with LULAC concerning voter ID? 23 A. I don't believe so. 24 Q. Okay. Did you ever meet with the American G.I. Forum? 25 A. I don't believe so.</p>
<p>1 Q. Okay. What is True the Vote? 2 A. I don't know what that is either. I've heard the 3 terms. I don't know who they are. 4 Q. Okay. Who is Catherine Engelbrecht? 5 A. I don't know. 6 Q. So you've never met with Ms. Engelbrecht, to the 7 extent of your recollection? 8 A. I don't remember. 9 Q. Okay. Do you know who Paul Bettencourt is? 10 A. I know who he is. 11 Q. Did you ever speak with Mr. Bettencourt since you 12 became Speaker? 13 A. I don't recall. 14 Q. Okay. Do you know who George Hammerlein is? 15 A. No. 16 Q. Okay. Do you know who Skipper Wallace is? 17 A. Yes. 18 Q. Did you ever speak with Mr. Wallace since you became 19 speaker? 20 A. Yes. 21 Q. Did you speak with him about voter ID? 22 A. Perhaps. 23 Q. Okay. Do you recall when? 24 A. No. 25 Q. Do you recall what he might have said to you or did</p>	<p>74</p> <p>1 Q. Did you ever meet with MALDEF? 2 A. I don't think so. 3 Q. Did you ever meet with the NAACP? 4 A. On this issue? 5 Q. Yes. 6 A. I don't believe so. 7 Q. Okay. I'm not trying to trip you up here. 8 A. Yeah. No. I -- 9 Q. I don't have a document that I'm waiting to throw at 10 you. 11 A. I may have met with -- I may have met with any or all 12 of them, but I don't recall on this issue. 13 Q. Okay. That's fine. 14 Did you ever meet with any other constituents 15 concerning voter ID, to the best of your recollection? 16 A. Not that I can recall. 17 Q. Okay. Did you ever exchange correspondence with any 18 constituents concerning voter ID? 19 A. Perhaps. I don't remember, but -- 20 Q. Okay. 21 A. -- I get -- I get letters from constituents routinely, 22 and I'm certain they would have had -- would have received some 23 sort of response, but I don't recall. 24 Q. Okay. Do you approve letters, responses to 25 constituents before they go out as a general practice?</p>



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1 A. Not each one. 2 Q. Do you sort of approve a form response to some extent? 3 A. Yes. 4 Q. Okay. And do you know if your office maintains a 5 general correspondence file? 6 A. Yes. 7 Q. Okay. If you could turn back to the privilege log 8 that I gave you before. 9 A. This? 10 Q. Yeah. And if you could -- 11 A. This one? 12 Q. Yes. And that is, for the record, Exhibit 464. Thank 13 you, sir. 14 If you could turn to Page 126. 15 A. Okay. 16 Q. Do you see where it says, "Draft letter from Speaker 17 Straus to constituents regarding Voter ID legislation"? 18 The last entry. 19 A. Yes, I see it. 20 Q. Are you aware of whether a final letter ever went out 21 around that date? 22 A. I'm not aware. I assume it did. 23 Q. Do you know if that letter was produced to the Office 24 of the Attorney General as part of your document production? 25 A. Don't know.	77 1 A. No. 2 Q. Okay. Here. If I can put a document in front of 3 you -- 4 A. Okay. 5 Q. -- and we can refresh your recollection. 6 MR. FREEMAN: If we could mark this as U.S. 466. 7 (Exhibit No. 466 marked) 8 Q. If you could just take a minute to review the 9 document. 10 A. Okay. 11 Q. Okay. Did this refresh your recollection? Do you 12 recall having given a speech in Dallas in September of 2011? 13 A. I don't. But I see here that somebody requested some 14 background information for such an occasion. 15 Q. Have you seen this document before? 16 A. I don't remember seeing it. 17 Q. Okay. Do you have any recollection as to what -- or 18 what audience you were speaking to in Dallas in September? 19 A. No, I don't. 20 Q. Okay. Do you generally rely on talking points when 21 you're providing speeches? 22 A. Oh, I always have -- I always like to have them 23 available. 24 Q. Okay. Do you know if you used these talking points in 25 Dallas?
1 Q. Okay. Prior to the passage of S.B. 14, did you 2 address voter ID in any public speeches of which you're aware? 3 A. Say the dates again. 4 Q. So prior to the passage of S.B. 14. So in, I guess, 5 April 2011, did you address voter ID in any speeches, to the 6 best of your recollection? 7 A. Perhaps in a long list of items I might have been 8 speaking about. 9 Q. So do you recall any particular instances? 10 A. Where I would have spoken on that issue? 11 Q. Uh-huh. 12 A. No. But I could have included it in some public 13 comments. 14 Q. Okay. Do you recall what you said? 15 A. Not specifically. 16 Q. Okay. After passage of the bill -- 17 A. Uh-huh. 18 Q. -- did you address S.B. 14 in any public speeches? 19 A. Probably. 20 Q. Do you recall when or where? 21 A. No. 22 Q. Okay. Do you recall what you said? 23 A. Not in -- not in specific language, no. 24 Q. Okay. Do you recall giving a speech in Dallas in 25 September of last year?	78 1 A. I don't recall. 2 Q. Do you recall having given speeches after the passage 3 of S.B. 14 in Tyler? 4 A. A speech in Tyler? 5 Q. Uh-huh. 6 A. No. I may have -- may have made some remarks to a 7 support -- group of supporters or business leaders or something, 8 but I don't recall a speech -- 9 Q. Okay. I mean -- 10 A. -- in public. 11 Q. I guess I'll -- let's use the term "speech" to broadly 12 include just speaking to a group. 13 A. Comments. Yeah. 14 Q. It doesn't need to be on a -- 15 A. Yes. 16 Q. -- on a dais, but -- 17 A. I have been -- I have been to Tyler and probably made 18 some public comments. 19 Q. Okay. Corpus Christi? 20 A. Yes. 21 Q. El Paso? 22 A. Yes. 23 Q. Fort Worth? 24 A. Yes. 25 Q. Anywhere else that you recall speaking about voter ID



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<p>1 since --</p> <p>2 A. No. I don't remember --</p> <p>3 Q. -- the passage of the bill?</p> <p>4 A. I don't remember speaking about voter ID at any of</p> <p>5 those places, but it's certainly possible.</p> <p>6 Q. Okay. Do you recall receiving any different talking</p> <p>7 points from the ones that are marked as Exhibit U.S. 466?</p> <p>8 A. I don't remember -- I don't remember receiving these.</p> <p>9 Q. Okay.</p> <p>10 A. But staff typically produces something that I could</p> <p>11 use.</p> <p>12 Q. Okay. Okay. I'll return to this later.</p> <p>13 What were the purposes of S.B. 14?</p> <p>14 MR. SWEETEN: You can provide the general purpose</p> <p>15 of the bill.</p> <p>16 A. To ensure integrity of our elections.</p> <p>17 Q. Anything else?</p> <p>18 A. I'd have to read the bill, but that's generally the</p> <p>19 purpose.</p> <p>20 Q. Okay. And what was your basis for believing that that</p> <p>21 was the purpose of S.B. 14?</p> <p>22 MR. SWEETEN: I'm going to object. I think</p> <p>23 you're calling for matters of legislative privilege. You're</p> <p>24 asking for his analysis on why he thinks something was the</p> <p>25 purpose. He can provide testimony, as the Court has said, to</p>	<p>81</p> <p>1 A. No.</p> <p>2 Q. Okay. Was the purpose, in part, to discriminate in</p> <p>3 any way against any group or groups of minority voters?</p> <p>4 MR. SWEETEN: Same instruction.</p> <p>5 A. No.</p> <p>6 Q. Okay. What is Texas' current system for determining</p> <p>7 how to verify the identity of a voter?</p> <p>8 MR. SWEETEN: You're asking, as we're sitting</p> <p>9 here, what current law is in place?</p> <p>10 MR. FREEMAN: Yes.</p> <p>11 MR. SWEETEN: He can answer that question.</p> <p>12 If you know.</p> <p>13 A. I can't recite -- well, tell me -- ask me again.</p> <p>14 Q. What is Texas' current system for determining how to</p> <p>15 verify the identity of a voter?</p> <p>16 A. Voter registration card.</p> <p>17 Q. Okay. So you have to show a voter registration</p> <p>18 card --</p> <p>19 A. Or --</p> <p>20 Q. -- when you show up at the polls?</p> <p>21 A. -- or an ID, I believe.</p> <p>22 Q. Okay. Do you know if that ID has to be a photo ID?</p> <p>23 A. Well, I believe I was asked for one.</p> <p>24 Q. Do you know if that --</p> <p>25 A. When I voted.</p>
<p>1 the general purpose. He has. I think that question, you're --</p> <p>2 you're now seeking to find out his mental processes and</p> <p>3 impressions about why he believes it accomplished that purpose.</p> <p>4 So I'm going to object as to legislative privilege and instruct</p> <p>5 you not to answer the question on that basis.</p> <p>6 Q. Okay. Was the purpose of S.B. 14, in part, to</p> <p>7 decrease the number of Hispanic voters who could effectively</p> <p>8 cast a ballot?</p> <p>9 MR. SWEETEN: You can answer as to the general</p> <p>10 purpose of the bill. To the extent that that's a question about</p> <p>11 the general purpose, you can answer as phrased.</p> <p>12 A. No.</p> <p>13 Q. Where in the record could I find evidence related to</p> <p>14 that purpose?</p> <p>15 MR. SWEETEN: I'm going to object. You're asking</p> <p>16 for him to find in the public record something that supports his</p> <p>17 thoughts about why this was the general purpose of the bill.</p> <p>18 And in so doing, you're asking him to reveal his thoughts and</p> <p>19 mental impressions, and as such, it is legislatively privileged.</p> <p>20 Instruct not to answer.</p> <p>21 Q. Was the purpose of S.B. 14, in part, to decrease the</p> <p>22 number of African-American voters who could effectively cast a</p> <p>23 ballot?</p> <p>24 MR. SWEETEN: You can answer the question to the</p> <p>25 extent it's asking about general purpose.</p>	<p>82</p> <p>1 Q. Do you know if that's the legal requirement?</p> <p>2 A. I don't -- I don't think so.</p> <p>3 Q. Okay. This has previously been marked as U.S.</p> <p>4 Exhibit 16 in a prior deposition.</p> <p>5 A. Okay.</p> <p>6 Q. On the day that Governor Perry signed S.B. 14, did you</p> <p>7 state, "This session we have taken major steps to ensure</p> <p>8 elections are fair, legal and without fraud, and Texans can know</p> <p>9 that we are working to make sure their vote is secure and</p> <p>10 counts"?</p> <p>11 A. I see that. I'm quoted here, yes.</p> <p>12 Q. Do you recall having stated that?</p> <p>13 A. Yes. Sounds like --</p> <p>14 Q. Okay.</p> <p>15 A. -- sounds like something I would have said.</p> <p>16 Q. Okay. And did you thank Representative Patricia</p> <p>17 Harless for her diligent work in passing voter ID?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Were you referring only to S.B. 14?</p> <p>20 MR. SWEETEN: Objection. You're asking him to</p> <p>21 interpret what the -- what this statement means, which is</p> <p>22 prohibited by the order. In fact, let me go ahead and read that</p> <p>23 so we're all on the same page here: "Although the document must</p> <p>24 be produced, that does not give defendants license to inquire</p> <p>25 about otherwise privileged material. Questions about a</p>



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1 post-enactment statement or document that call for a response 2 about legislative acts legislator took prior to the enactment of 3 Senate Bill 14 and prior voter ID bills and questions regarding 4 the motivations of the legislature with respect to those bills 5 are privileged." 6 So to the extent it would reveal your thoughts and 7 mental impressions, don't answer the question as to even a 8 public statement. 9 Q. So let me try and rephrase my question and hope 10 against hope that we can avoid the objection. 11 When you were saying that the legislature had 12 "taken major steps to ensure that elections are fair, legal and 13 without fraud," in making that public statement, the major steps 14 that you were referring to in that public statement, were you 15 referring only to S.B. 14? 16 MR. SWEETEN: Objection. You're asking him for 17 the meaning of this statement, which is beyond -- could intrude 18 upon the legislative privilege and his thoughts about the 19 statement. So I think that is what I just read to you from the 20 Court, and that specifically addresses that instance. 21 And I'm going to instruct you not to -- not to answer 22 the question if it would require you to reveal your thoughts, 23 mental impressions about legislation. 24 MR. FREEMAN: Okay. Well, I think that we have a 25 difference of opinion as to whether explaining the meaning of a	85	1 MR. SWEETEN: Same instruction. 2 A. I think it's related to -- to that occasion. 3 Q. Okay. What would a voter need to do under current 4 law, that we just discussed a moment ago, to commit in-person 5 voter fraud? 6 A. I'm not -- I'm not sure how to answer the question. 7 Q. Would they need to obtain someone else's voter 8 registration card? 9 A. I don't know all the ways someone would commit voter 10 fraud today. 11 Q. Okay. Do you know what the punishment is for stealing 12 someone else's voter ID card? 13 MR. SWEETEN: Under the current law? 14 MR. FREEMAN: Under current law. 15 A. I don't. 16 Q. Okay. Are you aware of any specific incidents of 17 in-person voter fraud in your district, Texas House District 18 121, in the last 20 years? 19 A. No. 20 Q. Are you aware of any specific incidents of in-person 21 voter fraud in Bexar County in the last 20 years? 22 A. I wouldn't know. 23 Q. Okay. Are you aware of any specific incidents of 24 in-person voter fraud in the State of Texas in the last 20 25 years?	87
1 public statement asks him to -- about his thoughts or mental 2 impressions about ID or about any other bill. It simply asks 3 him what he meant about that statement. But I have a feeling 4 that you don't intend to change your mind on that, so we'll keep 5 moving. 6 MR. SWEETEN: Do you -- 7 MR. FREEMAN: Am I correct? 8 MR. SWEETEN: Do you understand my instruction 9 about legislative privilege, to not reveal legislative -- to not 10 reveal your thoughts and impressions about a specific piece of 11 legislation in answering these questions. 12 THE WITNESS: Okay. 13 MR. SWEETEN: Okay. 14 MR. FREEMAN: And you're instructing him not to 15 answer the question as phrased? 16 MR. SWEETEN: No. What I -- what I said is he 17 can answer to the extent it does not do so. 18 Q. Okay. So in saying, "We have taken major steps to 19 ensure elections are fair, legal and without fraud," 20 Mr. Speaker, were you referring only to S.B. 14 in that public 21 statement? 22 A. Well, I made the statement at the bill signing 23 ceremony. 24 Q. Okay. So in that statement, you were saying yes? You 25 mean, yes, just S.B. 14?	86	1 A. I believe there have been cases. 2 Q. Can you tell me -- 3 A. That I'm personally aware of? 4 Q. I want details of -- 5 MR. SWEETEN: Yeah. Let me caution you here. Because 6 there is -- the legislative privilege covers constituent -- I 7 mean, covers communications you've had with other legislators, 8 legislative staff, with state agencies, with the Texas 9 Legislative Council. So if you've heard any of the information 10 through those communications, don't reveal that information. 11 You can answer the question with the instruction. 12 A. I've seen public -- I've seen public statements made 13 by others indicating there has been voter fraud. 14 Q. Have you seen any information setting out the number 15 of investigated incidents? 16 MR. SWEETEN: Same instruction. You can refer to 17 matters of the public record -- 18 A. I've seen -- yeah. I've seen -- 19 MR. SWEETEN: -- or matters that are not 20 privileged. 21 A. I've seen and heard public statements from various 22 individuals who say they've prosecuted these cases. 23 Q. Are you aware of how many convictions there have been? 24 A. I'm not. 25 Q. Okay. Are you aware of whether Attorney General	88



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89	91
<p>1 Abbott has dedicated substantial resources over the last decade 2 to investigating allegations of voter fraud?</p> <p>3 MR. SWEETEN: Don't reveal privileged matters in 4 answering the question. You can refer to matters of the public 5 record or nonprivileged matters.</p> <p>6 A. I've heard him make public statements about it, but to 7 the extent he's used resources, I don't know.</p> <p>8 Q. Okay. Do you know how many incidents of mail-in 9 ballot fraud have occurred in House District 121 in the last 20 10 years?</p> <p>11 MR. SWEETEN: Same instruction. You can answer 12 to the extent it's not revealing legislative privileged matters. 13 Go ahead.</p> <p>14 A. No, I don't.</p> <p>15 Q. Do you know how many incidents in Bexar County?</p> <p>16 A. No.</p> <p>17 Q. How about in the State of Texas?</p> <p>18 MR. SWEETEN: Same instruction.</p> <p>19 A. Not aware.</p> <p>20 Q. Okay. Do you know whether there have been more 21 incidents of mail-in ballot fraud than in-person voter fraud?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. Do you know if mail-in ballot fraud has been 24 prosecuted more than in-person voter fraud?</p> <p>25 MR. SWEETEN: Pause one second. Let me -- let me</p>	<p>1 MR. FREEMAN: I'd like to have this document 2 marked as U.S. 467. Sorry about the pile of paper. 3 (Exhibit No. 467 marked)</p> <p>4 A. Okay.</p> <p>5 Q. If you could take a minute to review the document.</p> <p>6 A. (Reviewing document.)</p> <p>7 Q. And really, we're just going to be talking about the 8 first few pages, so...</p> <p>9 A. Okay.</p> <p>10 Q. What is this document?</p> <p>11 A. It is a draft of the accomplishments of the 82nd 12 session.</p> <p>13 Q. Is this -- have you seen this document before?</p> <p>14 A. Oh, I recall seeing it at one time.</p> <p>15 Q. Okay. Is this, again, talking points for use -- for 16 your use?</p> <p>17 A. I think it was -- I think this is the kind of thing 18 that's made available to members.</p> <p>19 Q. Okay. And is it made by --</p> <p>20 A. Post-session.</p> <p>21 Q. Okay. And for what purpose is it made available to 22 members?</p> <p>23 A. For their own use as they see fit.</p> <p>24 Q. But it's produced by your office, correct?</p> <p>25 A. Appears to be, yeah.</p>

Joe Strausiii

June 11, 2012

<p>1 MR. SWEETEN: You can answer.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. When you vote in Texas, are you required to</p> <p>4 sign a poll book?</p> <p>5 MR. SWEETEN: You can answer as to -- as a</p> <p>6 general matter under current law, if you know.</p> <p>7 Q. When you -- when you show up to vote --</p> <p>8 A. Yes.</p> <p>9 Q. -- do you recall ever signing a book?</p> <p>10 A. Oh, yes.</p> <p>11 Q. Okay.</p> <p>12 A. Yes.</p> <p>13 Q. And --</p> <p>14 A. What did -- what did you call it?</p> <p>15 Q. A poll book.</p> <p>16 A. Okay.</p> <p>17 Q. Like a polling place.</p> <p>18 A. Yeah, yeah, yeah. Right.</p> <p>19 Q. And if you're voting for the first time after</p> <p>20 registering by mail, do you know if you're required to show any</p> <p>21 additional forms of identification in addition to a Texas voter</p> <p>22 registration card?</p> <p>23 A. I don't know.</p> <p>24 Q. Okay. Are you familiar with the Help America Vote</p> <p>25 Act?</p>	<p>93</p> <p>1 that in-person voter impersonation exists?</p> <p>2 MR. SWEETEN: Again, you can answer on the face</p> <p>3 of the statement itself.</p> <p>4 A. I can just -- yeah. I can just -- I just see what it</p> <p>5 says, "Although it exists, in-person voter impersonation is</p> <p>6 difficult to prove under our current laws."</p> <p>7 Q. And so my question is does the statement provide any</p> <p>8 documentation, any evidence, any naming of particular incidents</p> <p>9 to support its assertion that in-person voter impersonation</p> <p>10 exists?</p> <p>11 MR. SWEETEN: Again, you can answer what's on the</p> <p>12 statement itself.</p> <p>13 A. I don't see that it -- I don't see it.</p> <p>14 Q. Okay. If you wanted to check for in-person voter</p> <p>15 impersonation, would it be possible to check signatures in the</p> <p>16 poll book against signatures on record with the state?</p> <p>17 MR. SWEETEN: You're -- you're taking -- you're</p> <p>18 moving away from the document. You're asking him as to current</p> <p>19 law --</p> <p>20 MR. FREEMAN: Uh-huh.</p> <p>21 MR. SWEETEN: -- is that possible to do</p> <p>22 something?</p> <p>23 MR. FREEMAN: Yes.</p> <p>24 MR. SWEETEN: You can answer.</p> <p>25 A. Is it possible? I suppose it's -- I suppose it's</p>
<p>1 A. Generally.</p> <p>2 Q. Okay. Do you know if it requires at a national level</p> <p>3 a form of ID to be provided the first time someone votes after</p> <p>4 filing a mail-in registration?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. Do you see where this document says, "Although</p> <p>7 it exists, in-person impersonation is difficult to prove under</p> <p>8 our current laws since voters are not required to present a</p> <p>9 photo ID"?</p> <p>10 A. I don't see it.</p> <p>11 Q. It is the second bullet point on Page 12638.</p> <p>12 A. Oh. Yes, I see that.</p> <p>13 Q. Does this statement explain any basis for the</p> <p>14 assertion at the beginning of the sentence, "Although it</p> <p>15 exists"? I'm just asking about the statement.</p> <p>16 MR. SWEETEN: You can answer based on the face of</p> <p>17 the statement itself. Don't reveal any mental impressions in</p> <p>18 answering the question.</p> <p>19 A. What was your question?</p> <p>20 Q. Sorry. Let me rephrase. It was inartful at best.</p> <p>21 The beginning of that sentence where it states,</p> <p>22 "Although it exists," is that asserting in-person voter</p> <p>23 impersonation exists?</p> <p>24 A. That's what it -- that's what it appears to say, yes.</p> <p>25 Q. Does it provide any further support for the statement</p>	<p>94</p> <p>1 possible.</p> <p>2 Q. Are you aware of whether Attorney General Abbott</p> <p>3 included such searches in his investigation for in-person voter</p> <p>4 fraud?</p> <p>5 A. I'm not aware.</p> <p>6 Q. Are you aware of whether Attorney General Abbott</p> <p>7 uncovered any in-person voter fraud based on such searches?</p> <p>8 MR. SWEETEN: Don't reveal communications you had</p> <p>9 with our office. Don't reveal matters of legislative privilege.</p> <p>10 You can answer based upon the public record.</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. Do you see where it says in this statement,</p> <p>13 "Anyone can take another person's voter certificate and</p> <p>14 fraudulently vote"?</p> <p>15 Same bullet.</p> <p>16 A. I see that, yes.</p> <p>17 Q. Are you aware of any recorded incidents of theft of a</p> <p>18 voter certificate?</p> <p>19 MR. SWEETEN: Again, don't reveal legislatively</p> <p>20 privileged matters.</p> <p>21 A. Personally, I'm not aware.</p> <p>22 Q. Okay. Okay. Does your driver's license indicate that</p> <p>23 you are Joe Straus, III?</p> <p>24 A. Yes.</p> <p>25 Q. It separately says III?</p>



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Joe Straus iii

June 11, 2012

<p>1 A. I don't know.</p> <p>2 Q. Want to check?</p> <p>3 A. Sure. Well, I signed it that way. Yes, it does say</p> <p>4 that.</p> <p>5 Q. Okay. Do you know if your voter registration card</p> <p>6 says Joe Straus, III?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. If it -- sorry. Strike that.</p> <p>9 Is there a Joe Straus, IV?</p> <p>10 A. No, not to my knowledge.</p> <p>11 Q. Was your father Joe Straus, Jr.?</p> <p>12 A. Yes.</p> <p>13 Q. Are you aware of whether his driver's license</p> <p>14 indicated that he was Joe Straus, Jr. as opposed to Joe Straus?</p> <p>15 A. I'm pretty certain it does say that, yes.</p> <p>16 Q. Okay. Are you aware of whether his voter registration</p> <p>17 certificate said Joe Straus, Jr.?</p> <p>18 A. I don't know.</p> <p>19 Q. If -- would it be possible of the voter -- or excuse</p> <p>20 me -- if the voter registration certificate merely says Joe</p> <p>21 Straus that you could use your driver's license to vote as your</p> <p>22 father, if you'd wanted to?</p> <p>23 MR. SWEETEN: Under current law, you can answer</p> <p>24 the question.</p> <p>25 A. I -- I don't know.</p>	<p>97</p> <p>1 A. I see that, yes.</p> <p>2 Q. Are you aware of any other legislators or staff,</p> <p>3 including the lieutenant governor, making any public statements</p> <p>4 about illegal aliens voting?</p> <p>5 A. Am I aware of --</p> <p>6 Q. Any legislators or staff or the lieutenant governor</p> <p>7 making any public statement about illegal aliens voting?</p> <p>8 A. I don't recall.</p> <p>9 Q. Okay. Are you aware of any other public statements</p> <p>10 made by advocates of photographic identification laws for voting</p> <p>11 that such laws deter illegal aliens from voting?</p> <p>12 A. I don't --</p> <p>13 MR. SWEETEN: Objection, foundation. Objection,</p> <p>14 compound.</p> <p>15 You can answer the question.</p> <p>16 A. Yeah. I don't -- I don't recall seeing that, but --</p> <p>17 Q. Okay.</p> <p>18 A. -- possible.</p> <p>19 Q. All right. Have you heard of -- are you aware of any</p> <p>20 public statements made by advocates of photographic voter</p> <p>21 identification laws that such laws will deter all noncitizens</p> <p>22 from voting, documented and nondocumented?</p> <p>23 A. Say it again.</p> <p>24 Q. Are you aware of any other public statements made by</p> <p>25 advocates of voter ID saying that such laws will deter</p>
<p>1 Q. Okay. Okay. When you spoke in public concerning</p> <p>2 voter ID, did you ever state that voter ID was a component of</p> <p>3 immigration reform?</p> <p>4 A. Did I?</p> <p>5 Q. Yes.</p> <p>6 A. I don't recall saying that.</p> <p>7 Q. Okay. Why not?</p> <p>8 MR. SWEETEN: Objection. Don't -- don't answer</p> <p>9 the question. He's asking about your thoughts, mental</p> <p>10 impressions about legislation. Instruct not to answer.</p> <p>11 Q. In any talking points developed after the bill was</p> <p>12 passed, did you or your staff ever connect voter ID to</p> <p>13 immigration reform?</p> <p>14 A. You're saying in a public statement?</p> <p>15 Q. To the extent of your knowledge. I'm talking about</p> <p>16 talking points developed after the bill's passage.</p> <p>17 A. Developed by staff?</p> <p>18 Q. You or your staff, yes.</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. This has been previously marked as Exhibit 7,</p> <p>21 U.S. Exhibit 7, in a prior deposition. What is this document?</p> <p>22 A. It looks like something taken off of a web site for</p> <p>23 Representative Harless.</p> <p>24 Q. Okay. And under immigration reform, does she list</p> <p>25 "Require Texas photo ID to vote"?</p>	<p>98</p> <p>1 Q. noncitizens from voting?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you know if it's necessary to swear under</p> <p>4 oath that you're a U.S. citizen in order -- in order to register</p> <p>5 to vote?</p> <p>6 MR. SWEETEN: You can answer under current law.</p> <p>7 A. I don't know what the current law is on that.</p> <p>8 Q. If you don't know, you don't know.</p> <p>9 A. I don't know.</p> <p>10 Q. It's okay.</p> <p>11 A. I registered a long time ago.</p> <p>12 Q. Understandable.</p> <p>13 Are you aware of any documented cases of undocumented</p> <p>14 immigrants or illegal aliens voting?</p> <p>15 MR. SWEETEN: In answering the question, don't</p> <p>16 reveal matters of legislative privilege, including the</p> <p>17 communications that we've gone through earlier, which would be</p> <p>18 leg staff, legislators, state agencies, Texas Leg Council.</p> <p>19 Also, don't reveal your thought processes with respect to</p> <p>20 specific legislation. You can answer to the extent you're not</p> <p>21 so revealing that information.</p> <p>22 A. I'm not aware.</p> <p>23 Q. Okay. Are you aware of any documented cases of any</p> <p>24 noncitizens voting?</p> <p>25 MR. SWEETEN: Same instruction.</p>



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1 A. I'm not aware. 2 Q. Okay. What ethnic, racial or language minority group 3 makes up the majority of immigrants in Texas? 4 A. Hispanic. 5 Q. Has the rise in concern about undocumented immigrants 6 voting grown along with the Hispanic population in Texas 7 growing? 8 MR. SWEETEN: Objection, calls for speculation. 9 Objection to the extent it would ask to reveal your thoughts, 10 mental impressions about any specific legislation or 11 communications. But to the extent it does not do so, you can 12 answer the question. 13 Q. And just to clarify, my question addresses only public 14 sentiment of which you're aware concerning the possibility of 15 undocumented immigrants voting and whether that has increased as 16 the Hispanic population has increased. 17 A. I don't -- I don't know. 18 Q. Okay. 19 MR. FREEMAN: If we could have this marked as 20 U.S. 468. 21 (Exhibit No. 468 marked) 22 Q. I will represent to you that it was produced by the 23 State of Texas without that black block. Underneath that black 24 block is what we refer to as personally identifiable 25 information. And so in order to protect the privacy of this	101	1 conversations you've had that would be privileged. You can 2 refer to matters of the public record. You can answer. 3 A. Only through public statements, yes. 4 Q. Okay. But you are aware of those claims? 5 A. I've heard them. 6 Q. Who made those claims, to the extent of your 7 recollection? 8 A. Various legislators and other public -- other groups 9 making public statements. 10 Q. Okay. Did you ever respond publicly to any of those 11 claims? 12 A. Not that I'm aware of. 13 MR. FREEMAN: Okay. We've been going for about an 14 hour, if you want to take another five minutes. 15 MR. SWEETEN: Okay. 16 MR. FREEMAN: I know that you have somewhere you 17 need to -- 18 THE WITNESS: I'm trying to remember. When am I 19 leaving? 20 MR. SWEETEN: In an hour. 21 THE WITNESS: In an hour? Okay. 22 MR. FREEMAN: All right. So why don't we take 23 five minutes, and then -- just real quick -- 24 MR. SWEETEN: Okay. 25 MR. FREEMAN: -- everyone can stretch their legs.	103
1 individual, before it was entered in the record, in the 2 deposition, we've blocked out that information. 3 A. Okay. 4 Q. Just an IP address and such. 5 MR. FREEMAN: And we'll produce that to the State 6 when we do our final batch, if you -- if you'd like it. 7 MR. SWEETEN: I don't think that's necessary. 8 I -- I accept counsel's representations. 9 MR. FREEMAN: Okay. I mean, your -- your Bates 10 stamp is still on there if you feel like checking. 11 JUDGE PHILLIPS: Do you have copies of that? 12 Q. What is this document? 13 A. It's an e-mail to Senator Fraser. 14 Q. And what does this document express in the e-mail? 15 A. It says, "YES to voter I.D. NO to including a school, 16 university or college I.D. as proper identification to vote. 17 Too many illegals have acquired these and it would defeat the 18 purpose. Thank you." 19 Q. Did you receive any similar messages during the leadup 20 to voter ID or S.B. 14? 21 A. Not that I recall. 22 Q. Okay. Are you aware of any claims by opponents of 23 S.B. 14 that the bill attempted to exploit fears of illegal 24 immigrants voting? 25 MR. SWEETEN: In answering the question, don't reveal	102	1 MR. SWEETEN: Okay. 2 (Recess from 11:47 a.m. to 12:00 p.m.) 3 Q. Okay. So if we could flip back to what had been 4 marked Exhibit U.S. 467, the draft accomplishments of the 82nd 5 Legislature. 6 Do you see where the document states that, "Voter 7 fraud drives honest citizens out of the democratic process and 8 breeds distrust of the election process and the government"? 9 A. I see that at the top, yes. 10 Q. Have any of your constituents ever told you that they 11 do not vote because they believe their vote doesn't count 12 because of voter fraud? 13 MR. SWEETEN: Separate from this statement? 14 MR. FREEMAN: Separate from the document, yes. 15 MR. SWEETEN: Okay. You can answer as to -- this 16 to the fact of whether a constituent has ever asked you that. 17 A. Specifically that statement? 18 Q. The sentiment of that statement. Have any of your 19 constituents ever said, Well, I don't vote because there's so 20 much voter fraud out there? 21 A. I don't recall -- I don't recall that. 22 Q. Are you aware of any other basis for this statement in 23 the -- in the talking points here? 24 MR. SWEETEN: Don't answer the question. It 25 would require you to reveal matters of legislative privilege.	104



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<p>1 Instruct not to answer.</p> <p>2 MR. FREEMAN: You're instructing him not to</p> <p>3 answer as a whole as to his personal knowledge of whether</p> <p>4 there's a basis for this statement in the document?</p> <p>5 MR. SWEETEN: Absolutely. That's absolutely</p> <p>6 covered by the legislative privilege. It would -- it would</p> <p>7 require, just as the Court has said, that questions about a</p> <p>8 post-enactment statement or documents that call for a response</p> <p>9 about legislative acts or the -- or acts the legislator took</p> <p>10 prior to the enactment of Senate Bill 14 and prior voter ID</p> <p>11 bills and questions regarding the motivations of the legislator</p> <p>12 with respect to these bills are privileged.</p> <p>13 MR. FREEMAN: Mr. Sweeten, what legislative act</p> <p>14 does my question reflect?</p> <p>15 MR. SWEETEN: It -- I am instructing him not to</p> <p>16 answer on the basis of privilege because you're asking about a</p> <p>17 statement about voter fraud which would implicate his thought</p> <p>18 process with respect to the voter ID bill passed, which was</p> <p>19 Senate Bill 14.</p> <p>20 MR. FREEMAN: Mr. Sweeten --</p> <p>21 MR. SWEETEN: He's not going to reveal his mental</p> <p>22 impressions about that.</p> <p>23 MR. FREEMAN: Mr. Sweeten, if -- if we have to</p> <p>24 have a sidebar, I don't know if you want it to be on the record</p> <p>25 or off the record.</p>	<p>105</p> <p>1 covered by privilege.</p> <p>2 MR. SWEETEN: Well, in response to that, my</p> <p>3 instruction to him is to not reveal matters of privilege, which</p> <p>4 would -- which is what this specifically is asking when you're</p> <p>5 asking him to support it. You know, in other words, you're</p> <p>6 asking him, It says this, and what is the basis for this</p> <p>7 statement? When you're asking him that, that necessarily</p> <p>8 impacts his legislative process, his mental thoughts, his</p> <p>9 analysis, his motivation about the specific legislation. And so</p> <p>10 I disagree with you on that.</p> <p>11 MR. FREEMAN: I am asking -- this statement in</p> <p>12 the talking points is a statement about public sentiment in</p> <p>13 Texas. It's not a statement about S.B. 14 that would -- I mean,</p> <p>14 there are other statements in here about S.B. 14, but it's a</p> <p>15 statement about voter fraud in Texas and the effect of the</p> <p>16 perception of voter fraud on public confidence. And so my</p> <p>17 question asks his knowledge concerning those pre-enactment</p> <p>18 circumstances and the basis for this talking point.</p> <p>19 MR. SWEETEN: I fail to see how that does not</p> <p>20 request information and his considerations about legislation.</p> <p>21 When we're talking about Senate Bill 14, when we're talking</p> <p>22 about voter fraud, you're asking him information that would</p> <p>23 relate to what his thought processes were with respect to this</p> <p>24 bill, which is a matter of privilege. I will allow him to</p> <p>25 testify as to public statements that he's heard that -- you</p>
<p>1 MR. SWEETEN: Either way.</p> <p>2 MR. FREEMAN: Okay. That's fine.</p> <p>3 MR. SWEETEN: I mean, whatever you want to do.</p> <p>4 MR. FREEMAN: No. I just -- you had previously</p> <p>5 objected to having a sidebar on the record, so --</p> <p>6 MR. SWEETEN: No. I -- to be clear, it was your</p> <p>7 mocking sidebar that I objected to. We can have a discussion</p> <p>8 about privilege and it -- and the extent of it. It was about</p> <p>9 the specific sidebar, but go ahead.</p> <p>10 MR. FREEMAN: And I will object to your</p> <p>11 characterization of my sidebar as mocking.</p> <p>12 But --</p> <p>13 MR. SWEETEN: Okay.</p> <p>14 MR. FREEMAN: -- nevertheless, Mr. Sweeten, I</p> <p>15 think that you're reading that order far too broadly and that</p> <p>16 limitations on discussions of post-enactment statements. There</p> <p>17 is not a bar on asking questions about basis unless the question</p> <p>18 would reflect his thoughts or mental impressions about the bill</p> <p>19 itself or would reflect -- otherwise reflect legislative acts.</p> <p>20 To the extent that I'm asking about his knowledge</p> <p>21 that would serve as the foundation for this statement or his</p> <p>22 awareness of facts, not related to the legislative process but</p> <p>23 related to voter fraud as a problem in Texas or communications</p> <p>24 with constituents or public sentiment, that would serve as a</p> <p>25 foundation for a talking point, I do not believe that it is</p>	<p>106</p> <p>108</p> <p>1 know, with respect to a specific issue. I will allow him to</p> <p>2 refer to the record. But when you're asking about -- about his</p> <p>3 thought processes, which that question necessarily does, you're</p> <p>4 asking for something that the Court has protected, and it's</p> <p>5 legislatively privileged.</p> <p>6 So that's my instruction. If you can answer to</p> <p>7 the extent you're not revealing matters of privilege, you can</p> <p>8 answer the question. But if you cannot without revealing</p> <p>9 matters of privilege, do not answer the question.</p> <p>10 Q. Do you want the question to be rephrased?</p> <p>11 A. Please.</p> <p>12 Q. Yes. The question was, are you aware of any facts</p> <p>13 supporting the statement that voter fraud drives honest citizens</p> <p>14 out of the democratic process and breeds distrust of the</p> <p>15 election process?</p> <p>16 And in answering that question, I'm not asking -- what</p> <p>17 I'm not asking is information you learned during debates about</p> <p>18 voter ID. I'm not asking about your understanding of what</p> <p>19 effect S.B. 14 is intended to have or will have. I'm just</p> <p>20 asking about your understanding of public perception and the</p> <p>21 basis for the statement of the talking point.</p> <p>22 MR. SWEETEN: So do you understand my</p> <p>23 instruction? If you can't --</p> <p>24 THE WITNESS: I'm not sure.</p> <p>25 MR. SWEETEN: If you can't -- okay. Then let's</p>



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<p>109</p> <p>1 make sure it's clear. If you cannot answer this question 2 without providing your mental impressions or thought processes 3 about the bill --</p> <p>4 THE WITNESS: Uh-huh.</p> <p>5 MR. SWEETEN: -- do not answer the question.</p> <p>6 If -- you can refer to matters of the public record, but if 7 you -- if -- do you understand now?</p> <p>8 THE WITNESS: Yeah.</p> <p>9 Ask it again.</p> <p>10 Q. Okay. Are you aware of any facts supporting the 11 statement in the talking points that voter fraud drives honest 12 citizens out of the democratic process and breeds distrust of 13 the election process and the government?</p> <p>14 A. Any facts that --</p> <p>15 Q. That are not public sentiment.</p> <p>16 MR. SWEETEN: That are not legislatively privileged.</p> <p>17 A. No.</p> <p>18 MR. SWEETEN: I want you to be careful.</p> <p>19 THE WITNESS: Okay.</p> <p>20 Q. Do the talking points also state that the very 21 perception of fraud creates low confidence in the election 22 system?</p> <p>23 A. Ask it again.</p> <p>24 Q. Do they state that the very perception of fraud 25 creates low confidence in the election system?</p>	<p>111</p> <p>1 A. I'm not aware.</p> <p>2 Q. Okay. Are you aware of whether voter confidence is 3 currently higher in states where photographic voter ID has been 4 implemented?</p> <p>5 MR. SWEETEN: Same instruction.</p> <p>6 A. I seem to have read some articles.</p> <p>7 Q. What articles?</p> <p>8 A. I can't tell you specifically, but I seem to have read 9 something about confidence increasing.</p> <p>10 Q. Was it a survey of some kind?</p> <p>11 A. I don't remember.</p> <p>12 Q. Were they written by The Heritage Foundation?</p> <p>13 A. No.</p> <p>14 Q. Hans von Spakovsky?</p> <p>15 A. No. It would -- it probably was -- probably in some 16 column or something. I don't remember.</p> <p>17 Q. Okay. So it wasn't an academic study, was it?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 A. No.</p> <p>21 Q. Are you aware of any studies that have reached 22 contrary conclusions?</p> <p>23 MR. SWEETEN: In discussing studies, don't reveal 24 your thoughts, mental impressions or analysis that you conducted 25 with respect to the specific legislation. If you -- if in</p>
<p>110</p> <p>1 A. Okay.</p> <p>2 Q. It is in the --</p> <p>3 A. Where was that?</p> <p>4 Q. -- fourth bullet.</p> <p>5 A. Okay. The fourth bullet?</p> <p>6 Q. I'm pretty sure. Second sentence.</p> <p>7 A. No. It's the third one. Third one, I think. Right?</p> <p>8 Q. It's the third. I am very sorry, sir.</p> <p>9 A. Yeah. That's all right. "The very perception of 10 fraud creates low confidence in the election system."</p> <p>11 Yeah, I see that.</p> <p>12 Q. Okay. Whose perception of fraud is this referring to?</p> <p>13 MR. SWEETEN: Don't interpret the statement if it 14 would require you to reveal matters of legislative privilege.</p> <p>15 A. I don't know.</p> <p>16 Q. Is the perception of fraud different from the 17 existence of fraud?</p> <p>18 MR. SWEETEN: Same instruction.</p> <p>19 A. I don't know. I suppose it could be.</p> <p>20 Q. Are you aware of whether voter confidence increased 21 when Texas first implemented its current ID requirement?</p> <p>22 MR. SWEETEN: Same objection. Don't reveal your 23 thoughts, mental impressions, motivations about legislation in 24 answering the question. If you cannot do so, do not answer the 25 question.</p>	<p>112</p> <p>1 answering the question that would require you to do that, then 2 do not do it. Otherwise, you can answer the question.</p> <p>3 A. No.</p> <p>4 Q. Okay. Do you see in the first bullet of the talking 5 points where it says that, "Many everyday circumstances require 6 citizens to provide a photo ID such as boarding a plane, cashing 7 a check and renting a movie"?</p> <p>8 A. Yes, I see that.</p> <p>9 Q. Do you believe that to be the case?</p> <p>10 MR. SWEETEN: Same objection. Don't reveal 11 matters of privilege about your beliefs or thought processes 12 about legislation in answering this question.</p> <p>13 A. I see what it says, and it seems -- seems accurate.</p> <p>14 Q. Do you know if it's possible to board a plane without 15 a photo ID?</p> <p>16 A. I always have one. I don't know if you can do it 17 without.</p> <p>18 Q. Okay. So you've never seen or heard of an individual 19 not being allowed on a plane because they didn't have a photo 20 ID?</p> <p>21 A. I'm not aware of it.</p> <p>22 Q. And you've never read a regulation or notice requiring 23 a photo ID?</p> <p>24 A. I don't recall reading one, no.</p> <p>25 Q. Do you know if it requires the specific types of ID</p>



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June 11, 2012

<p>113</p> <p>1 Q. Okay. But do you know that there are -- whether there 2 are registered voters in Texas who lack a driver's license, 3 state ID card or license to carry? 4 MR. SWEETEN: Objection, compound. 5 Go ahead. You can answer. 6 A. I assume there are. 7 Q. Okay. Do you know how many registered voters in Bexar 8 County lack a driver's license, state ID or license to carry? 9 MR. SWEETEN: Same instruction on privilege. 10 Don't reveal matters on privilege. You can answer the question 11 to the extent you are not doing so. 12 A. I don't know the number. 13 Q. As a general matter and to the legislature as a whole, 14 did DPS ever provide, during the debates or prior to passage of 15 S.B. 14, that type of data? 16 MR. SWEETEN: You can refer to matters of the 17 public record. Don't reveal communications you've had with 18 state agencies regarding that. 19 A. I don't recall. 20 Q. Okay. Do you have any knowledge of what voters are 21 more likely than others to lack ID? 22 MR. SWEETEN: Same instruction on privilege. 23 Don't reveal matters of legislative privilege in answering the 24 question. 25 A. I do not.</p>	<p>115</p> <p>1 Q. Okay. I don't know. 2 Q. If I were to represent to you that I boarded my flight 3 from DC yesterday using an employee ID, would that surprise you? 4 A. I wouldn't -- I don't know. 5 Q. Okay. Is it possible to cash a check without a photo 6 ID? 7 A. I haven't cashed a check in so long I don't remember. 8 I don't know. 9 Q. Clearly, you don't live with irresponsible roommates 10 like I do. 11 Have you ever deposited a check at an ATM? 12 A. No. 13 Q. Okay. Have you ever seen an advertisement for Chase 14 Bank and an app that allows you to cash checks using your phone? 15 A. Don't recall. 16 Q. Okay. Do you have any basis to believe that you can't 17 deposit a check at an ATM? 18 A. I don't -- I don't -- I don't use ATMs. 19 Q. Okay. Is it possible to rent a movie without a photo 20 ID? 21 A. I don't know. 22 Q. Are you a member of Blockbuster? 23 A. Are they still around? 24 Q. They are limping along.</p>
<p>114</p> <p>1 A. Okay. No, I -- 2 Q. I will represent to you as a member of the bar that 3 they are limping along. 4 When did you last see a Blockbuster application? 5 A. Probably ten years ago. 6 Q. Okay. And I'm going to put this in front of you only 7 because a lot of things have been said in this case about 8 Blockbuster. 9 A. Okay. 10 MR. FREEMAN: So this will be marked as U.S. 469. 11 (Exhibit No. 469 marked) 12 Q. What is this document? And review it first, please. 13 A. This is an account application for Blockbuster. 14 Q. And does this account application require you to show 15 a photo ID? 16 A. I don't -- I can't find that. 17 Q. Okay. Do you know how many registered voters in Texas 18 lack a driver's license, state ID card or license to carry? 19 MR. SWEETEN: In answering the question, don't 20 reveal matters of privilege, including communications that 21 you've had with the individuals or entities that we talked about 22 or your thoughts or mental -- mental impressions or motivations 23 regarding the bill. You can answer to the extent you're not 24 doing so. 25 A. I don't know the number.</p>	<p>116</p> <p>1 Q. Is it your belief or understanding that rich or poor 2 voters are more likely to lack ID, one group or the other? 3 MR. SWEETEN: He's asking for your belief. To 4 the extent that you're revealing information about your belief 5 reveals your beliefs or mental impressions about legislation, do 6 not answer the question. 7 A. I've read -- you know, again, I've read articles in 8 the newspaper -- 9 Q. Okay. 10 A. -- that would indicate that poor people would be less 11 likely. 12 Q. Okay. And do you typically rely on articles in the 13 newspaper to formulate your understanding of these types of 14 issues? 15 MR. SWEETEN: And don't answer the question as 16 phrased. He's asking you your thought process, which could 17 reveal your thought process with respect to legislation. So 18 don't reveal matters of privilege. 19 MR. FREEMAN: That's all right. I withdraw the 20 question. That's fine. 21 Q. Are poverty rates in Texas similar across racial 22 groups? 23 MR. SWEETEN: You can answer as to the current 24 facts, if you know. 25 A. Say that again.</p>



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<p>117</p> <p>1 Q. Are poverty rates in Texas similar across racial 2 groups, to the extent you know?</p> <p>3 A. Are poverty rates similar across racial groups? I 4 don't --</p> <p>5 Q. Is one racial group more or less likely, as a 6 whole -- sorry. Strike that.</p> <p>7 Is a higher percentage of one racial group or another 8 in the State of Texas below the poverty line, to the extent of 9 your knowledge?</p> <p>10 A. On average?</p> <p>11 Q. Uh-huh.</p> <p>12 A. I think so.</p> <p>13 Q. Are Hispanics in Texas more likely to be below the 14 poverty line than Anglos?</p> <p>15 A. I believe that's correct.</p> <p>16 Q. And are African-Americans more likely to be below the 17 poverty line than Anglos?</p> <p>18 A. I believe that's correct.</p> <p>19 Q. Is it more likely that Hispanics will lack ID than 20 Anglos, based on the conversation we've just had?</p> <p>21 MR. SWEETEN: Do not reveal matters of privilege. 22 That means your mental impressions, thoughts or motivations 23 about legislation. Okay? If answering this question would 24 require you to do so, do not answer that question.</p> <p>25 THE WITNESS: Okay.</p>	<p>119</p> <p>1 document before answering questions.</p> <p>2 Q. Please read the document.</p> <p>3 A. Okay.</p> <p>4 Q. Okay. Does this document state that -- that Texas was 5 unable to match 795,955 registered voters to driver's license 6 records?</p> <p>7 A. That's what I see, yes.</p> <p>8 Q. Okay. Are you aware of whether the State of Texas 9 ever produced county-by-county totals of registered voters who 10 could not be matched?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. Do you know what documents are necessary to get 13 an election identification certificate under S.B. 14?</p> <p>14 A. I'd have to look.</p> <p>15 Q. Okay. What is an election identification certificate?</p> <p>16 A. Oh, I don't know. What is that?</p> <p>17 Q. Well, is an election identification certificate the 18 form of ID that is available for voters who lack a driver's 19 license to be used --</p> <p>20 A. Oh, I see.</p> <p>21 Q. -- strictly for voting purposes?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay.</p> <p>24 A. Exactly.</p> <p>25 Q. But you don't know what documents are necessary to get</p>
<p>118</p> <p>1 A. I don't know.</p> <p>2 Q. Well, we've just -- we've just discussed about how 3 it's your belief that poor individuals are more likely to lack 4 ID and Hispanics are more likely to be poor. So as a result, is 5 it more likely that Hispanics are more likely to lack ID than 6 Anglos?</p> <p>7 MR. SWEETEN: Don't reveal matters of privilege.</p> <p>8 A. I suppose that's possible.</p> <p>9 Q. Okay. Are you aware that Texas recently took the 10 position that there are 795,955 registered voters whose records 11 could not be matched to a driver's license record via a first 12 name, last name and date of birth match?</p> <p>13 MR. SWEETEN: Objection, assumes facts not in 14 evidence.</p> <p>15 You can answer the question.</p> <p>16 Q. Let's put some facts in evidence.</p> <p>17 This has --</p> <p>18 A. You're --</p> <p>19 Q. -- previously been marked --</p> <p>20 A. -- you're about to show me.</p> <p>21 Q. I am.</p> <p>22 This has previously been marked as U.S. 21, and it is 23 a letter from Mr. Sweeten to Ms. Westfall of the Justice 24 Department.</p> <p>25 MR. SWEETEN: Caution the witness to read the</p>	<p>120</p> <p>1 that?</p> <p>2 A. I don't.</p> <p>3 Q. Okay. If you could flip back to the talking points.</p> <p>4 A. Okay.</p> <p>5 Q. Try and find the bullet for you.</p> <p>6 If you could look at the, one, two, three, fourth 7 bullet. Do you see where this --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- states that, "S.B. 14 provides a free ID to those 10 who need it for voting purposes"?</p> <p>11 A. Yes, I see that.</p> <p>12 Q. Now, we previously discussed that you didn't know how 13 much it costs to get a new copy of a birth certificate, right?</p> <p>14 A. Yes.</p> <p>15 Q. But it does cost money, doesn't it?</p> <p>16 A. I assume so.</p> <p>17 Q. So if an individual lacks a birth certificate and a 18 birth certificate is necessary to get an election identification 19 certificate, is it possible for that individual to obtain an 20 election identification certificate without paying a cost?</p> <p>21 MR. SWEETEN: Don't reveal matters of privilege 22 in answering the question.</p> <p>23 A. I don't know the answer to your question if it's 24 possible.</p> <p>25 Q. Let me try and rephrase it.</p>



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June 11, 2012

121	123
<p>1 If an individual needs to show a birth certificate in 2 order to obtain an election identification certificate and that 3 individual has to pay some amount of money to get a copy of the 4 birth certificate because they don't have it, will that 5 individual end up needing to pay money to get the election 6 identification certificate?</p> <p>7 MR. SWEETEN: Don't reveal matters of privilege 8 in answering the question.</p> <p>9 A. I don't know if there's another -- another way. I 10 don't know.</p> <p>11 Q. Okay. Do you know where voters can obtain an election 12 identification certificate?</p> <p>13 MR. SWEETEN: You can answer as to current 14 existing, if you know.</p> <p>15 A. I do not know.</p> <p>16 Q. Okay. And just for Mr. Sweeten, the current law does 17 not allow for election identification certificates. Election 18 identification certificates are created as a -- I'll represent 19 to you that they're created as part of S.B. 14. So I just don't 20 want there to be some conflict between my question and your 21 attorney's instruction.</p> <p>22 MR. SWEETEN: I think he's answered he doesn't 23 know.</p> <p>24 MR. FREEMAN: Yeah. Yeah, yeah. No. I'm just 25 trying to clear up the record.</p>	<p>1 MR. SWEETEN: Objection, calls for speculation. 2 Go ahead. You can answer.</p> <p>3 A. 50 miles?</p> <p>4 Q. 100 miles round trip.</p> <p>5 A. 100 miles round trip would cost me about \$7.</p> <p>6 Q. Nice car.</p> <p>7 Would being forced to take a few hours off from work 8 to wait in line at a driver's license office constitute a burden 9 to some of your constituents?</p> <p>10 MR. SWEETEN: Do not answer the question if the 11 question asks you to reveal your motivations or thoughts about 12 the legislation, okay?</p> <p>13 A. Ask it again, please.</p> <p>14 MR. SWEETEN: I would instruct you to invoke 15 privilege in the event that that is the case, that you're 16 revealing matters of privilege.</p> <p>17 THE WITNESS: Okay.</p> <p>18 Q. Based on your knowledge of your constituents and the 19 district that you serve, do you believe that being forced to 20 take a few hours off from work unpaid would constitute a burden 21 if they needed to take time off in the middle of the day to go 22 to a driver's license office?</p> <p>23 MR. SWEETEN: Same instruction. Are you clear on 24 my instruction?</p> <p>25 THE WITNESS: No. Say it again.</p>
122	124



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<p>1 question.</p> <p>2 A. Yeah. I guess I cannot answer that question.</p> <p>3 Q. If you were to -- if the legislature were to increase</p> <p>4 the cost of driver's licenses by \$22, would you expect to hear</p> <p>5 from your constituents about it?</p> <p>6 MR. SWEETEN: Objection, calls for speculation.</p> <p>7 Go ahead.</p> <p>8 A. I hear more from constituents about the length of time</p> <p>9 standing in line than I do about the fee.</p> <p>10 Q. Okay. But you do hear about the length of time for</p> <p>11 folks standing in line?</p> <p>12 A. I have.</p> <p>13 Q. Okay. And they're not happy about it?</p> <p>14 A. Not happy.</p> <p>15 Q. Do you think that a three-hour wait in order to be</p> <p>16 able to vote would deter some voters from turning out?</p> <p>17 MR. SWEETEN: If in answering this question it</p> <p>18 would require you to reveal your thought processes about any</p> <p>19 legislation, including Senate Bill 14, my instruction to you</p> <p>20 would be not to answer the question. Okay?</p> <p>21 A. Would a three-hour --</p> <p>22 Q. So if there were an additional three-hour wait before</p> <p>23 you were able to vote, if you had to stand in line for three</p> <p>24 hours, do you think it would deter some of your constituents</p> <p>25 from turning out to vote?</p>	<p>125</p> <p>1 A. Okay. I wouldn't answer that question.</p> <p>2 Q. Okay. I think this is the last point -- time we're</p> <p>3 going to go to the talking points, but I do need you to go back</p> <p>4 to it one more time.</p> <p>5 A. Okay.</p> <p>6 Q. And this is, again, bullet four. Does it state that</p> <p>7 voters can also cast a provisional ballot if they forget their</p> <p>8 ID on election day. They simply need to return within six days</p> <p>9 to present a valid ID to the voter registrar in order for their</p> <p>10 provisional ballot to be counted?</p> <p>11 A. Yes, I see that.</p> <p>12 Q. Do you know where the voter registrar is in Bexar</p> <p>13 County?</p> <p>14 MR. SWEETEN: You can answer as to -- if you know</p> <p>15 about a fact in existence.</p> <p>16 A. I think at the courthouse.</p> <p>17 Q. Where is the Bexar County courthouse?</p> <p>18 A. Downtown.</p> <p>19 Q. How far is that from your house?</p> <p>20 A. 15 minutes.</p> <p>21 Q. So farther than your precinct?</p> <p>22 A. Pardon me?</p> <p>23 Q. Farther than your precinct?</p> <p>24 A. Oh, yeah.</p> <p>25 Q. And farther than your early voting location?</p>
<p>1 MR. SWEETEN: Same instruction, privilege.</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. If it cost \$22 to be able to vote, do you think</p> <p>4 that it would deter some of the voters from your district from</p> <p>5 turning out to go vote?</p> <p>6 MR. SWEETEN: Same objection. Also assumes facts</p> <p>7 not in evidence, calls for speculation and legislative</p> <p>8 privilege.</p> <p>9 Don't reveal your motivations regarding</p> <p>10 legislation in answering the question.</p> <p>11 A. Okay. I probably wouldn't answer that.</p> <p>12 Q. Okay. If it takes three hours to get an ID, is the ID</p> <p>13 really free?</p> <p>14 MR. SWEETEN: Same objection.</p> <p>15 Same instruction on legislative privilege. Don't</p> <p>16 reveal your mental thoughts, impressions and motivations about</p> <p>17 any -- Senate Bill 14 or any legislation in answering this</p> <p>18 question. If you cannot do so, do not answer the question.</p> <p>19 A. Yeah. I don't know.</p> <p>20 Q. If it costs \$22 to get a document necessary to get an</p> <p>21 ID, is the ID really free?</p> <p>22 MR. SWEETEN: Same objection.</p> <p>23 Instruct not to answer if it would reveal your</p> <p>24 thoughts and mental processes about a bill, including Senate</p> <p>25 Bill 14.</p>	<p>126</p> <p>128</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. It's also an early voting location.</p> <p>4 Q. But it's not your early voting location?</p> <p>5 A. Not the one I went to.</p> <p>6 Q. Okay. And is it your understanding of S.B. 14, based</p> <p>7 on the text alone, that if a voter doesn't have ID, provisional</p> <p>8 ballot won't count unless they get one within six days?</p> <p>9 MR. SWEETEN: You can refer to the specific text</p> <p>10 of the bill in answering the question. Don't reveal your</p> <p>11 analysis, but go ahead.</p> <p>12 A. Say again.</p> <p>13 Q. Based on your understanding of S.B. 14 from the text</p> <p>14 of the bill and based on your reliance on these talking</p> <p>15 points --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- if a voter doesn't have ID, is it correct that a</p> <p>18 provisional ballot won't count unless they get one within six</p> <p>19 days and show up at the -- at the voter registrar?</p> <p>20 MR. SWEETEN: Same instruction.</p> <p>21 A. I believe so.</p> <p>22 Q. Do you know how long -- sorry. You already told me.</p> <p>23 Am I correct that you already said you didn't know how</p> <p>24 long it takes to get a birth certificate if you don't have one,</p> <p>25 right?</p>



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133	135
<p>1 A. That's what --</p> <p>2 Q. -- state or federal employee ID?</p> <p>3 A. That's what it looks like, yes.</p> <p>4 Q. Okay. Does it allow for the use of a tribal ID?</p> <p>5 A. "A valid tribal identification card containing a photograph of the elector."</p> <p>6 Yes.</p> <p>8 Q. Okay. Does the Georgia -- do the forms -- pardon me.</p> <p>9 Strike that.</p> <p>10 Do the forms of identification named in the Georgia law establish an individual's identity for the purpose of voting?</p> <p>13 MR. SWEETEN: Same objection. Don't provide your analysis about what establishes identity to the extent that would reveal matters of legislative privilege. If you can't answer the question without doing that, do not do so.</p> <p>17 A. Ask it again.</p> <p>18 Q. Sure. I'm just asking about the function of this list under the Georgia law.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Do these types of ID establish an individual's identity for the purpose of voting under Georgia law?</p> <p>23 MR. SWEETEN: Same objection, legislative privilege.</p> <p>25 A. Yeah. I don't know. I'm just looking at this law for</p>	<p>1 A. I remember Representative Brown carried the bill, yes.</p> <p>2 Q. Okay. What was your public involvement with this bill, if any?</p> <p>4 MR. SWEETEN: You can testify about public statements.</p> <p>6 A. I don't recall.</p> <p>7 Q. Did you make any public statements that you recall?</p> <p>8 A. I don't remember.</p> <p>9 Q. Okay. What were the -- do you recall what the basic provisions of the bill were?</p> <p>11 A. No, I don't remember specifically.</p> <p>12 Q. Okay. And I'll ask if you need to refresh your recollection with the bill in front of you. Do you know whether the bill allowed an individual to use one form of photo ID or two forms of non-photo ID to identify themselves prior to voting?</p> <p>17 A. I'd have to look in here.</p> <p>18 Q. Would you take a look at Sections ^7(b) and 11 on Pages -- 7(b) is on Page 6, and 11 begins on Page 9.</p> <p>20 A. Okay. 7(b)? Uh-huh.</p> <p>21 Q. And did the bill allow the use of one photo ID or two non-photos ID?</p> <p>23 MR. SWEETEN: Confirm the text of the bill in answering the question.</p> <p>25 A. One form of the identification listed in Section</p>

134	136
<p>1 the first time. I don't know.</p> <p>2 Q. Okay. We've only got four minutes until you guys have to go, and I really am at a natural stopping point. So I think we should just break now. Thanks.</p> <p>5 (Lunch recess 12:40 p.m. to 1:56 p.m.)</p> <p>6 Q. We're back on the record after lunch and after Mr. Speaker had a meeting to attend, but ready to go again.</p> <p>8 Mr. Speaker, are you aware of a photographic voter identification bill that was introduced in the 80th Texas Legislature in 2007?</p> <p>11 A. I'm aware there was one.</p> <p>12 Q. Was any individual bill subject to serious consideration or debate?</p> <p>14 A. I --</p> <p>15 MR. SWEETEN: You can answer.</p> <p>16 A. As I recall, there was debate on the bill.</p> <p>17 Q. Was the bill passed out of the House?</p> <p>18 A. I believe it was.</p> <p>19 Q. Who introduced that bill; do you recall?</p> <p>20 A. I don't.</p> <p>21 Q. This has previously been marked as U.S. Exhibit 28.</p> <p>22 Have you seen this bill before?</p> <p>23 A. I probably did back then, yes.</p> <p>24 Q. Is this the bill that was passed out of the House in 2007?</p>	<p>1 63.0101 or two different forms of identification listed in Section 63.0101.</p> <p>3 Q. And can you take a look at Section 11 and see if that first grouping or photo ID is in the second grouping or non-photo IDs?</p> <p>6 A. Section 11?</p> <p>7 Q. Uh-huh, beginning on Page 9.</p> <p>8 A. 9? Yeah. "A driver's license or personal identification card issued to the person by the Department of Public Safety --</p> <p>11 Q. Not to interrupt, but I'll ask if you could just review it, because there's a lot there. So reading it into the record would take awhile and isn't really necessary to answer my question. I guess if you could look and see if the group that you need, one is photo ID and the group two is non-photo ID.</p> <p>16 A. Okay.</p> <p>17 Q. And is that correct? Is that the case?</p> <p>18 A. That's the way it looks.</p> <p>19 Q. And did H.B. 218 allow exceptions from the ID requirement for individuals who are over the age of 80, disabled veterans, military widows and in the event of some natural disasters?</p> <p>23 A. Where would that be?</p> <p>24 Q. That would be in Section 7, Section 7(h) through (k), which is on Page 7 of the bill.</p>



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June 11, 2012

<p>1 A. Age 80 or older or what else?</p> <p>2 Q. Disabled veterans, military widows and emergencies,</p> <p>3 natural disasters.</p> <p>4 A. Yes.</p> <p>5 Q. Does H.B. 218 use non-photo IDs to establish an</p> <p>6 individual's identity, from what you've reviewed?</p> <p>7 A. I think so.</p> <p>8 Q. Does H.B. 218 address non-citizen voting in any way,</p> <p>9 from what you reviewed?</p> <p>10 MR. SWEETEN: You can answer based on the text of</p> <p>11 the bill.</p> <p>12 A. I see a reference to United States citizen papers.</p> <p>13 Q. But that's just one form among many to establish your</p> <p>14 identity, correct?</p> <p>15 A. That's the way it appears, yes.</p> <p>16 Q. Any other way in which you see that it addresses</p> <p>17 non-citizen voting? And take your time, please.</p> <p>18 A. I don't see it.</p> <p>19 Q. Okay. Did you vote for this bill? Do you recall?</p> <p>20 MR. SWEETEN: That's a matter of public record.</p> <p>21 You can testify --</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall if any republicans voted against it?</p> <p>24 A. I believe there were some.</p> <p>25 Q. Do you know if they're still members of the Texas</p>	137	<p>1 basis for supporting you as opposed to then-Speaker Craddick?</p> <p>2 A. They could have.</p> <p>3 Q. Any of which you're aware?</p> <p>4 A. I don't recall anything specific.</p> <p>5 MR. SWEETEN: Other than the name itself.</p> <p>6 Q. Did you make any public statements concerning your</p> <p>7 basis for seeking the speakership?</p> <p>8 A. I'm sure I did.</p> <p>9 Q. Do you remember what your principal -- your primary</p> <p>10 bases were at the time, based on the public record?</p> <p>11 A. Yes, that most members of the House thought there</p> <p>12 needed to be a change in leadership.</p> <p>13 Q. Okay. Anything else in terms of the main reasons?</p> <p>14 A. Just a philosophy of empowering the members.</p> <p>15 Q. Okay. Would it be fair to describe Representative</p> <p>16 Craddick as having been an aggressive speaker?</p> <p>17 A. I don't know if it would be fair or not.</p> <p>18 Q. Okay. Did Representative Craddick eliminate some of</p> <p>19 the powers of committee chairs when he was Speaker?</p> <p>20 A. I'm not aware. I wasn't a committee chairman. I</p> <p>21 don't know.</p> <p>22 Q. Okay. Did you make any promises when seeking the</p> <p>23 speakership in 2009?</p> <p>24 MR. SWEETEN: You can testify about any public</p> <p>25 statements you made. If he's asking you about specific</p>	139
<p>1 House?</p> <p>2 A. I don't think so.</p> <p>3 Q. Okay. Do you know what happened to the bill, why it</p> <p>4 didn't become law?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you know if it died in the Senate?</p> <p>7 A. I really don't remember.</p> <p>8 Q. Okay. When did you first file the necessary papers to</p> <p>9 seek the speakership?</p> <p>10 A. In January of 2011 -- I mean 2009.</p> <p>11 Q. Okay. Who were the ABCs? Was there a group of people</p> <p>12 that were referred to as the ABCs?</p> <p>13 A. That's how some of the members were referred to in the</p> <p>14 press.</p> <p>15 Q. What did that mean?</p> <p>16 A. Well, I wasn't -- I wasn't defined as part of that --</p> <p>17 Q. Okay.</p> <p>18 A. -- group.</p> <p>19 Q. But what did the press mean when it used the term</p> <p>20 ABCs?</p> <p>21 MR. SWEETEN: Objection, speculation.</p> <p>22 A. They were opposed to the then-Speaker of the House.</p> <p>23 Q. Did ABC mean Anyone But Craddick?</p> <p>24 A. Yes.</p> <p>25 Q. Did they make any public statements concerning their</p>	138	<p>1 conversations you've had with legislators, I would remind you of</p> <p>2 the legislative privilege and communication elements of that</p> <p>3 privilege, to the extent it asks you to reveal your mental</p> <p>4 processes about why you performed a certain legislative act. So</p> <p>5 you can answer the question with that instruction.</p> <p>6 MR. FREEMAN: Patrick -- Mr. Sweeten. Sorry.</p> <p>7 MR. SWEETEN: That's okay.</p> <p>8 MR. FREEMAN: I believe that under clear U.S.</p> <p>9 case law, U.S. V. ^ Hilstolsky, promises are not subject to the</p> <p>10 legislative privilege.</p> <p>11 MR. SWEETEN: I think with respect to this</p> <p>12 Court's order, I don't think that it has upheld what you're</p> <p>13 saying. If he's made a statement or a statement was made to him</p> <p>14 by another legislator and it related to a legislative act, then</p> <p>15 I think that that would still be very clearly under the four</p> <p>16 corners of the Court's order on privilege.</p> <p>17 THE WITNESS: Can I ask you a question.</p> <p>18 (Sotto voce discussion)</p> <p>19 MR. SWEETEN: I believe that any conversation</p> <p>20 he's had with a legislator is covered by the privilege.</p> <p>21 MR. FREEMAN: Okay.</p> <p>22 MR. SWEETEN: And so my instruction to him would</p> <p>23 be to not provide that information. At the same time, in the</p> <p>24 event -- if we'll just have an agreement that you won't construe</p> <p>25 it as a waiver, I'll let him answer that question.</p>	140



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June 11, 2012

<p>141</p> <p>1 MR. FREEMAN: I'm happy to give you my word that 2 we will not construe it as a waiver. 3 A. I've been asked this question publicly and answered 4 this question publicly. No, I made no promises to anyone. 5 Q. Okay. Easy enough. Was there a recorded vote for 6 Speaker in 2009? 7 A. Yes. 8 Q. And what was the final vote? 9 A. 150 to 0. 10 Q. Congratulations. 11 Are you aware of any photographic voter identification 12 bill that was introduced in the 81st Texas legislature in 2009? 13 A. Yes. 14 Q. Was any individual bill passed by one house or the 15 other? 16 A. Yes. 17 Q. And was that S.B. 362? 18 A. I don't remember the bill number. 19 Q. Was it Senator Fraser's bill? 20 A. Yes. 21 Q. Do you recall when in the session it was introduced? 22 A. Early. 23 Q. Okay. Do you recall whether Senator Fraser made any 24 public statements as to why he had introduced the bill, just to 25 the best of your recollection?</p>	<p>143</p> <p>1 (Exhibit No. 470 marked) 2 Q. Have you seen this article before? 3 A. Yes, I remember seeing this. 4 Q. What is this article? 5 A. It's an article that was in the Express News. 6 Q. Okay. And -- I didn't mean to cut you off. 7 A. That's okay. 8 Q. And are you quoted in this article as saying, "The 9 issue of ballot security is important, but the way the Senate 10 behaved at the first opportunity did nothing to help the House 11 pass a responsible anti-voter fraud bill. So, at this point, 12 it's become all politics"? 13 A. I see that comment here, yes. 14 Q. Do you believe that to be an accurate quote? 15 A. I suppose. I suppose it could be, yeah. 16 Q. Do you recall what you meant when you stated -- and I 17 just mean with regard to the comment that you were making and 18 not a reflection on a bill, but what you meant by the comment 19 itself, what you meant by a responsible anti-voter fraud bill? 20 MR. SWEETEN: He's not going to give the 21 motivation for why he made this comment. He's not going to give 22 the why of the comment. He indicated that was his comment. You 23 can't ask him what was the support for that. It reveals matters 24 of privilege. I'm going to instruct him not to answer the 25 question as phrased.</p>
<p>142</p> <p>1 A. I don't recall. 2 Q. Okay. Did the Texas Senate alter its procedures in 3 2009 to facilitate passage of voter ID? 4 MR. SWEETEN: The question calls for speculation. 5 And don't reveal matters of legislative privilege regarding a 6 specific piece of legislation, which that question asks you to 7 do. If you want to ask him a general purpose question as to a 8 specific rule by the Senate, he can answer that. But you're 9 asking him to reveal his thoughts, mental impressions about the 10 bill. That's privileged. I'll instruct him not to answer. 11 MR. FREEMAN: I'll withdraw and rephrase. 12 Q. What is the two-thirds rule in the Texas Senate? 13 A. It's their rule requiring two-thirds of consent to 14 bring a bill to the floor. 15 Q. Okay. In 2009, did the Texas Senate modify the 16 two-thirds rule? 17 A. I believe that -- I believe the Fraser bill may have 18 come to the floor in a way other than receiving two-thirds 19 consent. 20 Q. Was the change in 2009 to the two-thirds rule 21 subject-matter specific to voter ID, to the best of your 22 recollection? 23 A. I don't know. 24 MR. FREEMAN: If we could have this marked as 25 U.S. 470.</p>	<p>144</p> <p>1 Q. I have a disagreement with your counsel so I am going 2 to ask my question. He may disagree as to whether or not you 3 can answer it. 4 But what did you mean, not with regard to the 5 substance of the bills, but with regard to the proceedings by 6 saying, "at this point, it's become all politics"? 7 MR. SWEETEN: Again, I'm going to instruct you 8 not to answer. The basis of that instruction is the Court's 9 very well defined instruction on legislative privilege, 10 including questions about -- I'm reading from Paragraph E of the 11 Court's order, "questions about a post enactment statement of 12 documents that call for a response about legislative acts the 13 legislator took prior to the enactment of Senate Bill 14 and 14 prior voter ID bills and questions regarding the motivations of 15 the legislator with respect to those bills or privilege." 16 So I'm going to instruct you, as to the specific 17 comment that he's asked you about not to provide your 18 motivations or thoughts about legislation. That would be 19 legislatively privileged. 20 Q. Are you not going to answer based on your counsel's 21 instruction? 22 A. Yeah, I think I won't answer. The words here seem -- 23 are -- the words here are in the story. 24 Q. Did you have any conversations concerning House 25 sponsorship of the bill, just as a general yes or no matter?</p>



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June 11, 2012

<p>1 MR. SWEETEN: You can answer if you had 2 conversations about sponsorship. 3 A. I probably did. 4 Q. Who was a party to those conversations? 5 MR. SWEETEN: You can answer as to who the party 6 was. Just don't reveal the substance, is what I'm getting at. 7 A. I don't recall specific conversations, but it would 8 not be unusual to talk to the person who authored the bill. 9 Q. Okay. So to talk to the senator about -- 10 A. Oh, I don't remember talking to him. 11 Q. Okay. But you would have a conversation as a general 12 matter with the person who was going to carry the bill in the 13 House? 14 A. I very well could, yes. 15 Q. Okay. Did you make any public statements concerning 16 the bill once it was in the House? 17 MR. SWEETEN: You can answer. 18 THE WITNESS: I can? 19 MR. SWEETEN: You can answer public statements. 20 A. I can't answer because I don't recall. 21 Q. Okay. And this has previously been marked as U.S. 29. 22 Is this a copy of S.B. 362? 23 A. Yes. 24 Q. And I'll direct you to Section 6(b) and Section 11 for 25 purposes of refreshing your recollection. Did this bill allow</p>	<p>145</p> <p>1 the use of a student ID as means to establish identity at the 2 polls? 3 MR. SWEETEN: You can answer based on the text. 4 A. I don't know. Is that -- where would I see that? 5 Q. It would be the same provision on the basis of a high 6 school or university being an agency or institution of the 7 state. 8 A. I don't know how to interpret that. 9 Q. Okay. Does the bill address -- pardon me. Strike 10 that. 11 Would the bill have required a voter to establish 12 citizenship prior to voting? 13 MR. SWEETEN: You can answer based on the text of 14 the bill. 15 A. I don't see that. 16 Q. Okay. Are you aware of whether other legislators have 17 been deposed in this case? 18 A. I assume they have. I'm not aware. 19 Q. Are you aware whether Representative Todd Smith has 20 been deposed in this case? 21 A. I don't know. 22 MR. FREEMAN: We can mark this at U.S. 471. 23 (Exhibit No. 471 marked) 24 Q. I'll represent to you that this is an excerpt of a 25 much longer document. What does this document appear to be?</p>
<p>1 the use of one photo ID or two non-photo IDs in order to 2 identify a voter at the polls? 3 A. Where would this be? 4 Q. Section 6(b) begins on Page 3. And Section 11 -- 5 pardon me. Section 10 begins on Page 5. 6 A. And your question was? 7 Q. Did S.B. 362 allow voters to use one form of photo ID 8 or two forms of non-photo ID in order to establish their 9 identities at the polls? 10 A. I believe so. 11 Q. And if you can look at Section 11, did S.B. 362 allow 12 the use of a military, excuse me -- of an employee ID to 13 establish identity at the polls? 14 MR. SWEETEN: Can you read the question back, please. 15 (Requested portion was read) 16 MR. SWEETEN: Okay. You can answer based on the text 17 of the bill in front of you. 18 A. It's in Section 11? 19 Q. Section 10. I'm sorry. 10(a)6, to be specific. 20 A. "An employee of an agency or institution"? 21 Q. Yes. 22 A. It appears that way, yes. 23 Q. And if a high school or college is an agency 24 institution or political -- or excuse me -- agency institution 25 of the state such as a public university, would this bill permit</p>	<p>146</p> <p>148</p> <p>1 A. Oral Deposition of Todd Smith, June 1st, 2012. 2 Q. And could you review Pages 28 and 29. And then I'll 3 just ask a quick question about that. 4 MR. SWEETEN: You said 28 and 29, Dan? 5 MR. FREEMAN: Yes. 6 MR. SWEETEN: Okay. 7 A. Tell me again where you want me to look. 8 Q. Just Page 28 and 29, I guess, beginning with -- 9 beginning with, "You were unhappy." 10 A. I see that. 11 Q. Is it your understanding from this document that 12 Representative Smith testified that he was a very loyal person 13 who handled voter ID in the way that he was asked and fully 14 protected you and that had every reason to believe that he was 15 going to be given a chairmanship and that did not happen? 16 A. I can just see what his answers were. 17 Q. Yeah. Was Representative Smith given a chairmanship 18 in the 82nd Legislature? 19 A. I can't answer that without -- 20 Q. As a matter of public record? 21 A. He was not a chairman in the last session. 22 MR. SWEETEN: I think that's fine. You've 23 testified whether he was or wasn't. That's a matter of public 24 record. 25 THE WITNESS: But was he given one?</p>



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June 11, 2012

<p>149</p> <p>1 MR. SWEETEN: That's fine. He's got the answer.</p> <p>2 THE WITNESS: He was not -- okay.</p> <p>3 Q. Were any other 2009 chairs -- did any other 2009</p> <p>4 chairs return to the House but no longer hold chairmanships?</p> <p>5 A. I don't recall.</p> <p>6 Q. Okay. If you'll turn to Page 185, which is near the</p> <p>7 end. Just read in the middle of the page.</p> <p>8 A. Where are we?</p> <p>9 Q. Page 185, and I guess beginning at Line 6. If you</p> <p>10 could just --</p> <p>11 MR. SWEETEN: This is excerpted so it doesn't</p> <p>12 have all the pages.</p> <p>13 Q. Yeah. The page numbers are at the top of the pages.</p> <p>14 A. Okay.</p> <p>15 Q. If you could just review that, beginning at Line 6.</p> <p>16 Do you see where Representative Smith testified that voter ID</p> <p>17 was the most controversial issue in the 81st Legislature?</p> <p>18 A. It was very controversial, he said.</p> <p>19 Q. And did he not say -- did he not agree with the</p> <p>20 question, "In fact, it might have been the most controversial</p> <p>21 issue of the '09 session"?</p> <p>22 A. Yes.</p> <p>23 Q. And based on the public statements made concerning</p> <p>24 voter ID in the 81st Legislature, would you agree with that</p> <p>25 statement?</p>	<p>151</p> <p>1 A. I don't know what would be routine for that.</p> <p>2 Q. Are such pledges frequently circulated in the Texas</p> <p>3 House concerning prospective legislation?</p> <p>4 A. By political parties or caucuses or groups?</p> <p>5 Q. Yes.</p> <p>6 A. Probably, yeah.</p> <p>7 Q. Are you ordinarily asked to sign them, along with the</p> <p>8 other members?</p> <p>9 A. I have been asked on various issues.</p> <p>10 Q. But you don't recall whether you were asked to sign</p> <p>11 this one?</p> <p>12 A. I don't recall.</p> <p>13 Q. Okay. What happened to S.B. 362 in the House?</p> <p>14 A. What happened?</p> <p>15 Q. Why did it not pass the House?</p> <p>16 MR. SWEETEN: You can testify as to matters of</p> <p>17 public record, but don't reveal matters of privilege, which</p> <p>18 would be your thought process.</p> <p>19 A. There were lengthy delays.</p> <p>20 Q. Is that process sometimes referred to as chubbing?</p> <p>21 A. Yes.</p> <p>22 Q. Does chubbing comply with the letter of the House</p> <p>23 rules?</p> <p>24 A. It did.</p> <p>25 Q. Were any points of order raised in an effort to stop</p>
<p>150</p> <p>1 MR. SWEETEN: You can answer as he has asked you</p> <p>2 to, based upon the public statements made. You can answer that</p> <p>3 question.</p> <p>4 A. It was very controversial.</p> <p>5 Q. During the 81st Legislature, were you aware of a</p> <p>6 pledge circulated by the Republican Party of Texas concerning</p> <p>7 voter ID?</p> <p>8 A. I don't recall.</p> <p>9 Q. And this has previously been marked as U.S.</p> <p>10 Exhibit 22.</p> <p>11 A. Uh-huh.</p> <p>12 Q. Were you asked to sign this pledge -- well, first</p> <p>13 review it. Sorry.</p> <p>14 A. Was I asked?</p> <p>15 Q. Uh-huh.</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you recall whether you spoke with Eric Opiela about</p> <p>18 this pledge?</p> <p>19 A. I don't recall.</p> <p>20 Q. Is it generally courtesy of some kind not to ask the</p> <p>21 Speaker to sign such pledges?</p> <p>22 MR. SWEETEN: Objection, compound. Objection,</p> <p>23 calls for speculation.</p> <p>24 You can answer the question as phrased, as to a</p> <p>25 general matter.</p>	<p>152</p> <p>1 the chubbing?</p> <p>2 A. I don't recall. Probably.</p> <p>3 Q. Okay. But the chubbing continued. So if they were</p> <p>4 raised, you denied those points of order, correct?</p> <p>5 A. I don't recall.</p> <p>6 Q. Were you challenged for the speakership at the</p> <p>7 beginning of the 82nd Legislature?</p> <p>8 A. Yes.</p> <p>9 Q. Who was or --</p> <p>10 A. Actually, at the beginning, you mean opening on the</p> <p>11 first day of the session?</p> <p>12 Q. Prior to becoming Speaker for the 82nd Legislature --</p> <p>13 A. Yes.</p> <p>14 Q. -- did other individuals --</p> <p>15 A. Yes.</p> <p>16 Q. -- challenge your position as Speaker?</p> <p>17 A. Yes.</p> <p>18 Q. Who challenged your position as Speaker?</p> <p>19 A. Representatives and Paxton.</p> <p>20 Q. Did represent Berman challenge your position as</p> <p>21 Speaker or did he merely support your opponents?</p> <p>22 A. Maybe he did at one time. I don't recall.</p> <p>23 Q. What were the issues raised by Representatives Paxton</p> <p>24 and Chisum publicly?</p> <p>25 A. What were the --</p>



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June 11, 2012

<p>1 Q. The issues that they raised?</p> <p>2 A. I don't remember.</p> <p>3 Q. Did you speak publicly concerning any of these issues?</p> <p>4 A. Perhaps. I don't remember.</p> <p>5 MR. FREEMAN: Okay. And if this could be marked</p> <p>6 as U.S. 472.</p> <p>7 (Exhibit No. 472 marked)</p> <p>8 Q. Have you seen this article before?</p> <p>9 A. Might have. I don't -- probably saw it.</p> <p>10 Q. Okay. And what is the basic sentiment of this</p> <p>11 article?</p> <p>12 A. It appears there were charges made by Representative</p> <p>13 Berman.</p> <p>14 Q. Did Representative Berman allege that you had reached</p> <p>15 an agreement with the democrats to block voter ID?</p> <p>16 A. It alludes to a letter where he said that.</p> <p>17 Q. Is the letter -- oh, you mean Representative Berman?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. It says, "The three things, according to Berman, were</p> <p>21 that there would be no votes on the House Floor on Voter ID,</p> <p>22 immigration or pro-life legislation."</p> <p>23 Q. And you previously testified that you had not reached</p> <p>24 any such agreement, correct?</p> <p>25 A. That's correct.</p>	<p>153</p> <p>1 A. I don't recall.</p> <p>2 MR. SWEETEN: He doesn't recall in the first</p> <p>3 place, so I'm sure it's difficult for him to say where --</p> <p>4 Q. Were any other public statements made concerning voter</p> <p>5 ID and your fitness to serve as Speaker?</p> <p>6 MR. SWEETEN: You can testify as to public</p> <p>7 statements made.</p> <p>8 A. Made by whom?</p> <p>9 Q. Anyone who we haven't discussed previously.</p> <p>10 A. Probably. I don't remember specifically.</p> <p>11 Q. Any specific statements you recall?</p> <p>12 A. No.</p> <p>13 Q. And does this letter -- just to be clear for the</p> <p>14 record, does this letter say that you worked to kill a very good</p> <p>15 voter ID bill in the prior session?</p> <p>16 A. It says it. I don't know who wrote it.</p> <p>17 Q. Yeah. That's all I'm asking, is whether it says it.</p> <p>18 Did you respond to the e-mails received by your office that were</p> <p>19 similar to this one, to your knowledge or recollection?</p> <p>20 A. We typically respond to most e-mails or most</p> <p>21 communications.</p> <p>22 Q. Did any member of the public contend at any point that</p> <p>23 you should not be the Speaker because you could not advocate for</p> <p>24 conservative Christian values?</p> <p>25 MR. SWEETEN: You can testify about any public</p>
<p>154</p> <p>1 MR. FREEMAN: Mark this as U.S. 473.</p> <p>2 (Exhibit No. 473 marked)</p> <p>3 Q. What is this document?</p> <p>4 A. It's an e-mail to District 24 Taylor.</p> <p>5 Q. Who is -- is that Representative Taylor?</p> <p>6 A. I assume so. Is that Representative Larry Taylor? I</p> <p>7 don't know what District 24. I assume so, yeah.</p> <p>8 Q. Okay. Have you seen this e-mail or others like it?</p> <p>9 A. No.</p> <p>10 Q. Okay. Were there any large e-mail blasts sent early</p> <p>11 in the session opposing you in the speakership role?</p> <p>12 A. I'm sure there were, yes.</p> <p>13 Q. Okay. What does the term RINO mean?</p> <p>14 A. It means nothing to me.</p> <p>15 Q. Okay. Does it mean Republican in Name Only?</p> <p>16 A. That's what those who use that phrase mean, yes.</p> <p>17 Q. I presume you don't consider yourself to be a RINO?</p> <p>18 A. No.</p> <p>19 Q. Were any e-mails like this one sent to your account or</p> <p>20 your office?</p> <p>21 A. Probably.</p> <p>22 Q. Did your staff deal with them without passing them on</p> <p>23 to you?</p> <p>24 A. I don't -- I don't know.</p> <p>25 Q. That may be privileged.</p>	<p>156</p> <p>1 statements in answering this question.</p> <p>2 A. Yes, in the media. That's been reported in the media,</p> <p>3 yes.</p> <p>4 Q. Did you respond publicly to those statements?</p> <p>5 A. Maybe not specifically to that statement, but yes, I</p> <p>6 had a public statement about religious faith and public service.</p> <p>7 Q. Okay. Did Representative Patricia Harless submit a</p> <p>8 House photographic voter identification bill in the 82nd</p> <p>9 Legislature?</p> <p>10 A. Did she propose legislation?</p> <p>11 Q. Her own bill, yes.</p> <p>12 A. I believe she did. There were a number of</p> <p>13 representatives who filed bills.</p> <p>14 Q. And this has previously been marked as U.S. Exhibit 4.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Is this Representative Harless' bill?</p> <p>17 A. Yes.</p> <p>18 Q. Was this bill referred to the Select Committee on</p> <p>19 Voter Identification and Voter Fraud?</p> <p>20 A. I think it was, but it could have been referred to</p> <p>21 Elections Permanent Committee. I'm not sure.</p> <p>22 Q. Do you recall if more than one bill was referred to</p> <p>23 the Select Committee on Voter Identification and Voter Fraud?</p> <p>24 A. I don't -- I don't recall.</p> <p>25 Q. This has previously been marked as Exhibit 13.</p>



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June 11, 2012

<p>1 A. Okay.</p> <p>2 Q. Have you seen this kind of report before?</p> <p>3 A. Have I seen this?</p> <p>4 Q. Uh-huh.</p> <p>5 A. I don't recall seeing this.</p> <p>6 Q. Is it a printout from the Texas Legislature's web site?</p> <p>7 A. Yes.</p> <p>8 Q. And does the Texas Legislature's web site generate reports for a given committee for what bills were referred to that committee in a particular session?</p> <p>9 A. Yes.</p> <p>10 Q. And does this report indicate that only one bill was referred to the Select Committee on Voter Identification and Voter Fraud, and that was S.B. 14?</p> <p>11 A. That's what it says, yes.</p> <p>12 Q. Okay. So it's likely that Representative Harless' bill was referred to Elections, correct?</p> <p>13 MR. SWEETEN: Objection, calls for speculation.</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. Do you recall speaking with your staff as a general matter concerning H.B. 112, Representative Harless' bill?</p> <p>16 A. I don't recall specifically that, discussing her bill.</p> <p>17 Q. And if you could review her bill real quickly,</p>	<p>157</p> <p>1 identify a voter under this bill? And you can look to Section 14 to refresh your recollection if you'd like, which is on Page 9.</p> <p>2 A. A driver's license, election identification certificate, personal identification card issued to the person by the Department of Public Safety, military identification card contains the person's photograph, United States citizenship certificate that contains person's photograph, U.S. passport, license to carry concealed handgun.</p> <p>3 Q. And that's all, correct?</p> <p>4 A. That's all I see, yes.</p> <p>5 Q. And so under S.B. 14 it's not possible to establish identity using non-photo ID, correct?</p> <p>6 A. That's the way it appears to me.</p> <p>7 Q. Okay. And sorry to make you jump back, but that pledge that I showed you earlier --</p> <p>8 A. The what?</p> <p>9 Q. The pledge that I showed you earlier?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Did that ask members to agree that they would use a -- they would pass a photo ID bill that allowed -- that required voters to vote only with photo ID?</p> <p>12 A. Ensure a valid photo ID is needed to vote.</p> <p>13 Q. Okay. Did you have any discussions, as a general matter, concerning the contents of S.B. 14 prior to its passage?</p>
<p>158</p> <p>1 specifically Section 6(b) and Section 10. Did this bill allow voters to identify themselves using one form of photo ID or two forms of non-photo ID?</p> <p>2 MR. SWEETEN: You can answer based on the text of the bill.</p> <p>3 A. 6(b)?</p> <p>4 Q. Yes.</p> <p>5 A. That's what it says, yes.</p> <p>6 Q. Okay. Do you know if you made any public statements concerning this bill?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know if you spoke with any constituents, lobbyists, or advocacy groups about this bill?</p> <p>9 A. I don't recall doing that.</p> <p>10 Q. This has previously been marked as Exhibit 5. What is this document?</p> <p>11 A. S.B. 14.</p> <p>12 Q. Okay. Does anything in this bill address non-citizen voting?</p> <p>13 MR. SWEETEN: You can answer based on the text of the bill.</p> <p>14 A. Where would I find that?</p> <p>15 MR. SWEETEN: Let's look for it. Let's see.</p> <p>16 A. I don't see it.</p> <p>17 Q. Okay. What forms of identification are allowable to</p>	<p>160</p> <p>1 MR. SWEETEN: You can discuss if any conversations did occur. He's entitled to find out if those occurred, but don't reveal the substance of those conversations.</p> <p>2 A. I don't -- specific language or aspects of the bill?</p> <p>3 Q. Substance in any way.</p> <p>4 A. No.</p> <p>5 Q. So no discussions concerning the omission of student ID?</p> <p>6 A. No.</p> <p>7 Q. No discussions concerning the omission of employee ID?</p> <p>8 A. I don't recall having specific discussions about -- or I don't recall having discussions about specific items that would be included or not included in a bill.</p> <p>9 Q. Okay. If you could turn back to Exhibit 466. Sorry to make you dig in the pile of paper.</p> <p>10 A. Which one is that?</p> <p>11 Q. It was the talking points from Dallas. It says on the top 12329, if that's helpful.</p> <p>12 MR. SWEETEN: Want to just use mine.</p> <p>13 A. Okay.</p> <p>14 Q. Do you see on the third page, does it say that Texas passed arguably the strictest voter ID law in the nation during the 82nd legislature?</p> <p>15 A. That's what it says, yes.</p> <p>16 Q. And again, do you know if you used these talking</p>



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June 11, 2012

<p>161</p> <p>1 points during the speech at issue?</p> <p>2 A. I don't recall.</p> <p>3 Q. And do you understand that talking point to mean --</p> <p>4 not the substance of the bill, but the talking point -- to mean</p> <p>5 that you passed a bill that is stricter than other photo ID</p> <p>6 bills?</p> <p>7 MR. SWEETEN: Daniel, objection. He's not going</p> <p>8 to characterize -- off the record.</p> <p>9 (Brief off-record discussion)</p> <p>10 MR. SWEETEN: Look, on this he's not going to</p> <p>11 answer what he meant by saying it. It says what it says.</p> <p>12 MR. FREEMAN: That's fine. I'll withdraw the</p> <p>13 question. Okay.</p> <p>14 Q. I'd like to talk about the process by which S.B. 14</p> <p>15 was introduced. First off, what does the term "legislative</p> <p>16 emergency" mean in the Texas Legislature?</p> <p>17 A. Well, I assume that's provided by the governor. And</p> <p>18 it's simply an item that the governor would decree to be an</p> <p>19 emergency which would allow the legislature to take up a bill</p> <p>20 before the requisite number of days normally the legislature</p> <p>21 would have to wait.</p> <p>22 Q. Okay. Are there any constraints on what the governor</p> <p>23 may choose to declare as a legislative emergency?</p> <p>24 MR. SWEETEN: You can answer as a matter of</p> <p>25 general legislation.</p>	<p>163</p> <p>1 A. An election?</p> <p>2 Q. Uh-huh.</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay. Do you recall having any conversations with</p> <p>5 Lieutenant Governor Dewhurst or his staff concerning which house</p> <p>6 would move first on voter ID?</p> <p>7 MR. SWEETEN: You can answer.</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you know when S.B. 14 passed out of the Senate?</p> <p>10 A. I don't.</p> <p>11 Q. And this has previously been marked as U.S. 8.</p> <p>12 A. Okay.</p> <p>13 Q. What is this document?</p> <p>14 A. It's the history of legislative -- history of Senate</p> <p>15 Bill 14.</p> <p>16 Q. And does this give you a date on when S.B. 14 passed</p> <p>17 out of the Senate?</p> <p>18 A. I think it does.</p> <p>19 Q. Was it January 26th, as noted on Page 6?</p> <p>20 A. January 26th?</p> <p>21 Q. Yep.</p> <p>22 A. Record vote in the gross senate, yes.</p> <p>23 Q. Did you or your staff have any conversations</p> <p>24 concerning who would carry the voter ID bill in the house?</p> <p>25 MR. SWEETEN: You can answer as phrased, but</p>
<p>162</p> <p>1 A. I'm not aware of any constraints.</p> <p>2 Q. Did you or your staff have any conversations with the</p> <p>3 governor or the governor's staff, to the extent of your</p> <p>4 knowledge, as a general matter concerning legislative</p> <p>5 emergencies in the 82nd legislature?</p> <p>6 MR. SWEETEN: You can answer as phrased. Don't</p> <p>7 reveal the substance of the conversation.</p> <p>8 A. No.</p> <p>9 Q. Okay. Was photographic voter ID declared to be a</p> <p>10 legislative emergency in 2011?</p> <p>11 MR. SWEETEN: If that's a matter of public</p> <p>12 record, you can answer the question.</p> <p>13 A. Yes.</p> <p>14 Q. Was it declared to be a matter of legislative</p> <p>15 emergency in January?</p> <p>16 A. I believe so.</p> <p>17 Q. And as you said before, it's the governor's office</p> <p>18 that declared legislative emergencies, right?</p> <p>19 A. That's correct.</p> <p>20 Q. Is there a specific individual in the governor's</p> <p>21 office, to the extent that it is public information, who is</p> <p>22 responsible for declaring legislative emergencies?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. Okay. Do you know if any election was set to occur</p> <p>25 during the first 60 days of the session?</p>	<p>164</p> <p>1 don't provide any additional substance of the conversation if</p> <p>2 there was one.</p> <p>3 A. Yes, I'm sure we did.</p> <p>4 Q. Who did you have those conversations with?</p> <p>5 A. I don't recall. Probably --</p> <p>6 Q. Do you know when they occurred?</p> <p>7 A. No.</p> <p>8 Q. Did you receive any communications from constituents</p> <p>9 accusing you of delaying S.B. 14?</p> <p>10 A. Not that I recall.</p> <p>11 MR. FREEMAN: Okay. And if this could be marked</p> <p>12 as U.S. 474.</p> <p>13 (Exhibit No. 474 marked)</p> <p>14 Q. What is this document?</p> <p>15 A. This is a web mail correspondence, Office of the</p> <p>16 Governor.</p> <p>17 Q. And when is it dated?</p> <p>18 A. It's dated the 25th of January, 2011.</p> <p>19 Q. And does this state that Speaker Straus is blocking</p> <p>20 voter ID in the house?</p> <p>21 A. It's making that assertion, yes, by two people from</p> <p>22 Richmond, Texas.</p> <p>23 Q. And does it state that the bill is needed in Texas and</p> <p>24 that the people want it?</p> <p>25 A. It says that.</p>



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<p>1 Q. On January 25th, had any bills passed out of the Texas 2 House? 3 A. I don't believe so, no. 4 Q. Had you even made committee assignments? 5 A. No. 6 Q. In the period that you've served, have any 7 controversial bills ever passed out of the Texas House by 8 January 25th? 9 A. No. 10 Q. Okay. Now, we mentioned this once before, but what is 11 a select committee? 12 MR. SWEETEN: Objection, asked and answered. 13 You can answer. 14 MR. FREEMAN: I'm trying to move this deposition 15 along quickly. 16 MR. SWEETEN: I'm letting him answer. 17 A. It's a committee appointed at the discretion of the 18 Speaker. 19 MR. FREEMAN: Let the record reflect that counsel 20 were all laughing. 21 Q. Who picked the name of the Select Committee on Voter 22 Identification and Voter Fraud? 23 A. Who picked it? 24 Q. Uh-huh. 25 A. The Speaker assigned it, yes.</p>	<p>165</p> <p>1 THE WITNESS: I can't remember it. 2 MR. FREEMAN: There's no "phone a friend" in 3 depositions, unfortunately. And it's fine if you can't answer. 4 THE WITNESS: I was asking my brain, and it 5 couldn't remember. 6 MR. FREEMAN: Sometimes it's your friend. 7 Sometimes it's not. 8 THE WITNESS: Select committees often relate to 9 issues that overlap with other committees. 10 Q. Okay. Was the Select Committee on Voter 11 Identification and Voter Fraud a fast-track committee? 12 MR. SWEETEN: If that's a matter of public 13 record, you can testify to it. 14 A. A fast-track committee? I don't know what a 15 fast-track committee would be. 16 Q. And this has previously been marked as U.S. Exhibit 17 12. What is this document? 18 A. It's a public release from Speaker's office. 19 Q. And at the bottom of the page, does it designate the 20 Select Committee on Voter Identification and Voter Fraud as a 21 fast-track committee? 22 A. Yes, it does. 23 Q. Do you know what that meant? 24 A. No. 25 Q. Okay.</p>
<p>1 Q. Okay. Are you aware of any other select committees 2 related to voting or elections in current or past legislatures? 3 A. Yes. There have been committees on election contests. 4 Q. Okay. Do those have a specific procedural role when 5 there is an election contest? 6 A. Yes. 7 Q. Are there any other select committees that have 8 addressed substantive issues related to elections outside that 9 unique field of election contests, to your recollection? 10 A. I'm not aware. 11 Q. Are you aware of any other select committees that 12 relate directly to a standing committee in the way that the 13 Select Committee on Voter Identification and Voter Fraud relates 14 to elections? 15 MR. SWEETEN: Objection, vague. Objection, calls 16 for speculation. 17 Go ahead. You can answer. 18 A. I'd have to think about the other select committees 19 we've had. 20 THE WITNESS: What other select committees have 21 we had? 22 MR. ANCIA: None in the last -- 23 MR. FREEMAN: To the extent of your knowledge? 24 MR. SWEETEN: He can't tell you. Just answer if 25 you can.</p>	<p>166</p> <p>1 A. This was Wednesday, February 9th. No, I don't know. 2 Q. Were any other committees that session designated as 3 fast-track committees? 4 A. Not that I see here, no. 5 Q. Are you aware of any public statements made by 6 legislators, party officials, or any advocates that 7 Representative Todd Smith had delayed release of a voter ID bill 8 from the Elections committee in 2009? 9 A. Am I aware of statements made by others? 10 Q. Yes. 11 MR. SWEETEN: Public statements he's asking. 12 A. From anyone? 13 Q. Anyone. 14 A. I seem to recall seeing that. 15 Q. Do you know who made those statements? 16 A. I don't. 17 Q. Did Representative Smith win his primary last month? 18 A. No. 19 Q. Do you recall who the members of the Select Committee 20 on Voter Identification and Voter Fraud were? 21 A. I'd have to look at the list. 22 Q. Okay. Ask and you shall receive. 23 MR. FREEMAN: If this could be designated as U.S. 24 475. 25 (Exhibit No. 475 marked)</p>



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<p>169</p> <p>1 Q. Who are the members of the Select Committee on Voter 2 Identification and Voter Fraud? 3 A. Representative Bonnen, Veasey, Aliseda, Gutierrez, 4 Harless, Hilderbran, Hochberg, Pena and Taylor. 5 Q. So Representative Todd Smith was not on the select 6 committee; is that correct? 7 A. No. 8 Q. Are you aware of any testimony in the redistricting 9 litigation concerning whether Representative Aliseda was the 10 preferred candidate of Latino voters in his district? 11 A. Am I aware of -- 12 Q. Any testimony in the redistricting litigation 13 concerning whether Representative Aliseda was the preferred 14 candidate of Latino voters in his district? 15 A. I am not. 16 Q. Are you aware of any public statements made by 17 Representative Pena that he could not win in the interim 18 district drawn by the San Antonio court in which he resided? 19 A. Public statements, no. 20 Q. Okay. Representative Anchia is not on the committee; 21 is that correct? 22 A. That's correct. 23 Q. Would it be fair to say that Representative Anchia was 24 the most actively involved in public debates and statements 25 concerning voter ID in prior sessions?</p>	<p>171</p> <p>1 A. Could have, I'm sure. 2 Q. Anything you recall? 3 A. No. 4 Q. Would it be fair to say that Representative Berman has 5 made very -- has publicly expressed very strong opinions 6 concerning voter ID? 7 A. I would assume he has. 8 Q. Has Representative Berman expressed very strong 9 opinions publicly concerning immigration? 10 A. Yes. 11 Q. Did you at any point publicly request that 12 Representative Berman stop offering amendments to other 13 representatives' legislation limiting benefits based on 14 citizenship? 15 A. Ask the question again. 16 Q. Did you at any time publicly request that 17 Representative Berman stop offering amendments to other 18 representatives' legislation that would limit benefits based on 19 citizenship? 20 MR. SWEETEN: You can answer as a public matter. 21 A. No. 22 Q. Did any other representative make that request to 23 Representative Berman? 24 A. Publicly? 25 Q. Yes,</p>
<p>170</p> <p>1 MR. SWEETEN: You can answer. 2 A. You could say that. 3 Q. Would it be fair to say that he was the most actively 4 involved Hispanic legislator on this issue in past sessions, in 5 terms of his public statements? I'm happy to cabinet. 6 A. I think there were others too, but he certainly was 7 high profile, yes. 8 Q. And Representative Berman is not on the committee; is 9 that correct? 10 A. That's correct. 11 Q. Representative Berman was chairman of Elections under 12 Speaker Craddick, was he not? 13 A. I don't recall. 14 Q. Okay. And Representative Berman was on the Elections 15 committee in 2011, correct? 16 A. I don't remember. 17 Q. Does Representative Berman use his seniority pick to 18 be on the Elections committee each term? 19 A. I don't remember. 20 MR. SWEETEN: Whoa, whoa, whoa. Okay. Yeah. 21 That's fine. 22 Q. Was Representative Berman -- did Representative Berman 23 make public statements concerning voter ID in prior sessions? 24 A. Did he make public statements? 25 Q. Uh-huh.</p>	<p>172</p> <p>1 A. Not that I'm aware of. I don't know. 2 Q. Did Representative Berman, during the last legislative 3 session, offer a series of amendments to other representatives' 4 legislation that would limit benefits based on citizenship? 5 A. I seem to recall he did that, but -- was that I guess 6 this last -- I don't remember when that was. But, yes, he has 7 in the past. 8 Q. Okay. Do you recall Representative Berman making any 9 public statements linking voter ID and immigration? 10 A. I don't. 11 Q. Okay. Did you campaign in favor of Representative 12 Berman's challenger in the republican primary? 13 A. Did I campaign in favor of his challenger? 14 Q. Or endorse his challenger? 15 A. No. 16 Q. Did you donate any money to his challenger? 17 A. I did not. 18 Q. Okay. Did you have any conversations concerning the 19 creation of a select committee to address voter ID? 20 A. Ask it again. 21 Q. Did you have any conversations concerning the creation 22 of a select committee to handle voter ID? 23 A. Did I have conversations for this select committee? 24 Q. Uh-huh. 25 A. I probably did.</p>



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<p>1 Q. Do you recall who you had those conversation with? 2 A. I would assume mainly internally. 3 Q. So your staff? 4 A. Yes. 5 Q. Anyone outside your staff that you recall? 6 A. I do not recall. 7 Q. Did you have any conversations concerning the 8 membership of the select committee? 9 A. Externally? Meaning where? 10 Q. In general. Unfortunately, I can't ask anything more 11 specific than that without angering your counsel so -- 12 A. Right. I don't recall conversations. 13 Q. Are you aware of any other examples of committees that 14 have heard only one bill? 15 A. I'd have to look. Not aware. 16 Q. Okay. Were any bills submitted during the 82nd 17 Legislature whose purpose was to address mail-in voter fraud? 18 A. I believe so. 19 Q. But none of them were referred to the Select Committee 20 on Voter Identification and Voter Fraud, right? 21 MR. SWEETEN: I assume that's a matter of public 22 record so you can testify as to -- 23 A. Yeah. I suppose the statistics exist. No. 24 Q. Okay. Other than Speaker's discretion, are there any 25 other public criteria for appointing members of a select</p>	<p>173</p> <p>1 MR. SWEETEN: If that's a matter of public 2 record, you can testify to it. If it involves your own thought 3 processes -- 4 A. No, it's not my thought processes. My recollection is 5 it's one of the items that the governor would identify as an 6 emergency. 7 Q. Oh. So any item that is a legislative emergency would 8 be placed on the emergency calendar? 9 A. I don't recall. 10 Q. Okay. I believe this is a matter of public record, 11 but just to clarify. Did you cast any votes in favor or against 12 S.B. 14 during the floor debate? 13 A. I did not. 14 Q. And you appoint house members of a conference 15 committee, correct? 16 A. Yes. 17 Q. Do you recall who was on the conference committee? 18 A. No. 19 Q. If we could have this marked as U.S. 476 20 (Exhibit No. 476 marked) 21 Q. Does this document memorialize who the members of the 22 conference committee were? 23 A. Yes. 24 Q. And who were the House conferees? 25 A. Representatives Harless, Aliseda, Bonnen, Truitt and</p>
<p>1 committee? 2 A. Other than the Speaker's? 3 Q. Uh-huh. 4 A. No. 5 Q. Okay. Do you know when the select committee took up 6 S.B. 14? 7 A. I don't recall. 8 Q. I think you have a document in front of you that 9 should be able to help you refresh your recollection. 10 MR. SWEETEN: Is it before or after the 11 Blockbuster application? 12 Here we go. I think that's what he may be 13 talking about. The bill report. 14 MR. FREEMAN: Yes. 15 A. When it was referred to committee? 16 Q. Yes. 17 A. February 11th. 18 Q. And when did it pass out from the committee? 19 A. The 7th of March. 20 Q. What is the emergency calendar? 21 A. The emergency calendar? 22 Q. Uh-huh. 23 A. That would be the calendar of emergency items. 24 Q. And what are the criteria to place something on the 25 emergency calendar? What makes something an emergency?</p>	<p>174</p> <p>176</p> <p>1 Veasey. 2 Q. And were these all members of the select committee? 3 A. Most of them. 4 Q. Was Representative Truitt on the select committee? 5 A. No. 6 Q. And, again, this committee did not include 7 Representative Anchia, correct? 8 A. That's correct. 9 Q. And it also did not include Representative Gutierrez, 10 who was on the select committee, correct? 11 A. That's correct. 12 Q. Is there any meaning that can be -- should be imputed 13 to a member's failure to sign a conference committee report form 14 as a matter of public understanding of what it means in the 15 legislature? I'm not trying to get at anyone's thoughts or 16 mental impressions. I just want to understand if that has a 17 meaning or designation in terms of a vote? 18 MR. SWEETEN: Yeah. I think that would require 19 him to give his thoughts on -- you're handing him a document. 20 Mark Veasey hasn't signed it. I think you're asking his mental 21 impressions. 22 JUDGE PHILLIPS: You could ask what's in the 23 rule. 24 MR. FREEMAN: That's basically what I'm trying to 25 get at, and my question was perhaps not artfully phrased.</p>



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June 11, 2012

177	179
<p>1 Q. I'm just trying to understand, if you have a 2 conference committee report that has eight signatures out of 3 ten, does that mean it was an eight-two vote in favor of the 4 conference committee?</p> <p>5 MR. SWEETEN: As a general matter, you can 6 testify to that.</p> <p>7 A. As a general matter, I think there's a certain number 8 of signatures required.</p> <p>9 Q. How many signatures are required to pass a bill out of 10 a conference committee?</p> <p>11 A. A majority.</p> <p>12 Q. Okay. Do you know how long it took S.B. 14 to go 13 through the conference process?</p> <p>14 A. I don't.</p> <p>15 Q. Were there any public complaints that you are aware of 16 that it was taking too long for S.B. 14 to get out of 17 conference?</p> <p>18 A. Any public complaints?</p> <p>19 Q. Uh-huh.</p> <p>20 A. I'm not aware.</p> <p>21 Q. Any public concerns that delay in the conference 22 committee could keep the bill from passing of which you're 23 aware?</p> <p>24 A. I don't remember.</p> <p>25 Q. Okay. Were there -- are you aware of whether there</p>	<p>1 A. Mostly leaders of -- democrat leaders.</p> <p>2 Q. Okay. Any outside groups?</p> <p>3 A. I assume so, but I don't --</p> <p>4 Q. Any specific ones you can recall?</p> <p>5 A. I don't want to leave anybody out. I don't know.</p> <p>6 Q. As a general matter, minority groups, groups 7 representing minority voters' interests?</p> <p>8 A. I think so.</p> <p>9 Q. Any election officials?</p> <p>10 A. Not that I know of.</p> <p>11 Q. What were the reasons that the outside groups gave for 12 their opposition to S.B. 14?</p> <p>13 MR. SWEETEN: You can answer as to public 14 expressed reasons given.</p> <p>15 A. I think generally they claim that it's an impediment 16 to voting.</p> <p>17 Q. Did they suggest any particular changes publicly that 18 could be made to reduce the impediment to voting which you're 19 aware?</p> <p>20 A. I don't remember specifically. I'm sure they did.</p> <p>21 Q. Okay. Did you make any public statements concerning 22 the opposition to S.B. 14?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did you ever discuss publicly whether S.B. 14 would 25 impact minority voters' ability to cast a ballot?</p>

Joe Strausiii

June 11, 2012

<p>1 A. I believe -- I believe one has.</p> <p>2 Q. Is that Bryan Hughes?</p> <p>3 A. Yes.</p> <p>4 Q. Has Mr. Hughes publicly noted any commitments being</p> <p>5 made in his favor?</p> <p>6 A. Not that I'm aware of.</p> <p>7 (Brief interruption)</p> <p>8 MR. FREEMAN: Let's mark this as 477.</p> <p>9 (Exhibit No. 477 marked)</p> <p>10 Q. Have you seen this article before?</p> <p>11 A. I think I did see it, yes.</p> <p>12 Q. And does Mr. Hughes say in this article that he would</p> <p>13 support a change in the rules so that bills with widespread</p> <p>14 support could be snatched out of the committee and be moved</p> <p>15 directly to the floor?</p> <p>16 A. It says that he said --</p> <p>17 Q. Okay.</p> <p>18 A. -- that he would appoint really conservative members</p> <p>19 to be chairmen so that bills dealing with anti illegal</p> <p>20 immigration, anti abortion and limiting government could get</p> <p>21 through and that he would support a change in the rules so that</p> <p>22 bills with widespread support could be snatched out of the</p> <p>23 committees and moved directly to the floor.</p> <p>24 Q. Has anyone ever publicly advocated for such a rule and</p> <p>25 referenced the 2009 procedures for voter ID and the delays that</p>	<p>181</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. Have any legislators, party committees or other</p> <p>3 groups or constituents ever publicly stated that if voter ID did</p> <p>4 not pass in the 82nd Legislature in 2011 that you should be</p> <p>5 removed from Speaker?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Okay. So you had to make sure that voter ID passed</p> <p>8 regardless of the purpose of the bill to maintain the</p> <p>9 speakership; am I correct?</p> <p>10 MR. SWEETEN: No. Don't answer the question.</p> <p>11 He's asking for your personal motivations. It's legislative</p> <p>12 privilege. Instruct not to answer.</p> <p>13 MR. FREEMAN: We're going to take a break for a</p> <p>14 couple minutes, and then I will be wrapping up.</p> <p>15 (Recess from 3:20 p.m. to 3:34 p.m.)</p> <p>16 Q. We are back on the record. I have exactly one</p> <p>17 follow-up question and then concluding questions.</p> <p>18 I had asked previously about the purpose of S.B. 14.</p> <p>19 Are you aware of whether S.B. 362 or any of the prior</p> <p>20 photographic voter ID bills had a different purpose than S.B.</p> <p>21 14?</p> <p>22 A. No.</p> <p>23 Q. Okay. Are there any answers that you've previously</p> <p>24 given that you wish to change at this time?</p> <p>25 A. No.</p>
<p>1 occurred there?</p> <p>2 A. Ask your question again.</p> <p>3 Q. Sure. Has anyone ever -- it was not well phrased and</p> <p>4 hopefully I'll do better this time.</p> <p>5 Has anyone ever publicly advocated for such a rule</p> <p>6 that would allow the majority of the membership to pull bills</p> <p>7 out of committee regardless of the committee's vote and</p> <p>8 referenced voter ID?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. Okay. And does this article describe you as being</p> <p>11 genial and well-liked?</p> <p>12 A. I hope so. I don't know.</p> <p>13 Q. It does.</p> <p>14 A. Yeah, it does.</p> <p>15 Q. Have any legislators publicly declared their intention</p> <p>16 to support another legislator for the office of Speaker in the</p> <p>17 next legislature?</p> <p>18 A. I'm not aware.</p> <p>19 Q. Any declared their intentions simply not to vote for</p> <p>20 you?</p> <p>21 A. I'm not aware of that either.</p> <p>22 Q. Has voter ID been an issue discussed publicly</p> <p>23 concerning the speakership for the next session?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Neither negatively or favorably?</p>	<p>182</p> <p>1 Q. Any information that you didn't recall that you now</p> <p>2 recall?</p> <p>3 A. No.</p> <p>4 Q. Anything you would like to add so we can understand</p> <p>5 your answers more clearly?</p> <p>6 A. No.</p> <p>7 MR. FREEMAN: This deposition is technically left</p> <p>8 open pending decisions on privilege over documents and</p> <p>9 testimony, but I -- given that there have been objections on the</p> <p>10 basis of privilege, but I don't believe that there will be any</p> <p>11 actual follow-up beyond this time, and I pass the witness to the</p> <p>12 defendant intervenors.</p> <p>13 MS. RUDD: Thank you. And I am going to apologize</p> <p>14 in advance. I may be slightly repetitive. I will try to get</p> <p>15 through my questions quickly. I'm hoping it will take less than</p> <p>16 half an hour. So I don't want to belabor your time any more</p> <p>17 than I have to.</p> <p>18 EXAMINATION</p> <p>19 BY MS. RUDD:</p> <p>20 Q. Are you aware of any statistical analysis in the</p> <p>21 public record concerning the effect of S.B. 14 on the</p> <p>22 African-American population in Texas?</p> <p>23 A. I'm not specifically aware, no.</p> <p>24 Q. Same question about the Hispanic population. Are you</p> <p>25 aware of any statistical analysis that's been placed in the</p>



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<p>1 public record regarding the effect of the legislation on that 2 population?</p> <p>3 A. There may have been, but I'm not specifically aware, 4 no.</p> <p>5 Q. Okay. How about statistical analysis concerning the 6 effect of S.B. 14 on Texas citizens making less than \$35,000 a 7 year?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Are you aware of any assertions in the public 10 record that low income individuals in Texas may have more 11 difficulty obtaining photo ID under S.B. 14?</p> <p>12 A. 35,000?</p> <p>13 Q. Sure.</p> <p>14 A. No.</p> <p>15 Q. Okay. Are you aware of any assertions in the public 16 record that low income individuals are less likely to be able to 17 pay for the types of photo ID that may be required under S.B. 18 14?</p> <p>19 A. Public record?</p> <p>20 Q. Any testimony in public hearings regarding the 21 legislation?</p> <p>22 A. Maybe some floor debate.</p> <p>23 Q. Okay. Can you list for me some of the reasons that a 24 person may need to have a driver's license. I know we've talked 25 about several before when we were discussing some of the talking</p>	185	<p>1 A. No, I'm not.</p> <p>2 Q. Do you agree that there are at least some people in 3 Texas, like yourself, who don't own gun licenses?</p> <p>4 A. Here we go again. Yes, I'm aware not everyone has a 5 license.</p> <p>6 MR. SWEETEN: I don't have one either.</p> <p>7 MS. RUDD: Nor do I.</p> <p>8 Q. Are you aware of assertions in the public record -- 9 A. I do own -- go ahead.</p> <p>10 Q. Are you aware of assertions in the public record that 11 in-person voter fraud is a problem in Texas?</p> <p>12 A. Say that again.</p> <p>13 Q. Are you aware of assertions on the public record that 14 in-person voter fraud is distinguished from other forms of voter 15 fraud as a problem in Texas?</p> <p>16 A. Assertions made by others?</p> <p>17 Q. Correct.</p> <p>18 A. I believe I have seen statements made by some 19 prosecutors, the attorney general or someone.</p> <p>20 Q. Okay. As you sit here today, can you point me to 21 anything specific that you recall from the public record 22 regarding in-person voter fraud?</p> <p>23 A. No.</p> <p>24 Q. Okay. In general, are you aware of any analysis 25 relating to in-person voter fraud in Texas on the public record?</p>
<p>1 points. Driving a car, for example, or boarding a plane. Can 2 you think of any other reasons why you might need a Texas 3 driver's license?</p> <p>4 MR. SWEETEN: You're asking as a general matter?</p> <p>5 MS. RUDD: As a general matter.</p> <p>6 A. None other than the obvious, operating a vehicle.</p> <p>7 Q. Right. Not all people drive a vehicle, correct?</p> <p>8 A. Pardon me?</p> <p>9 Q. Not all people drive a vehicle or own a car; is that 10 correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And not all people can afford to fly wherever they 13 want or at all; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. You think there are citizens of Texas who have never 16 been on a flight before?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So there are probably many reasons that Texas 19 citizens who are eligible to vote don't have a Texas driver's 20 license; is that right?</p> <p>21 MR. SWEETEN: Objection, calls for speculation.</p> <p>22 You can answer.</p> <p>23 A. I would assume that's correct.</p> <p>24 Q. Okay. Are you aware of assertions on the public 25 record that minorities are less likely to own gun licenses?</p>	186	<p>1 A. I don't know.</p> <p>2 Q. Okay. In your mind -- you testified earlier that the 3 purpose of S.B. 14 was protecting the integrity of the ballot 4 box. Do I have that right?</p> <p>5 A. Yes.</p> <p>6 Q. In your mind is there a distinction between protecting 7 the integrity of the ballot box and voter fraud, preventing 8 voter fraud? Are those part and parcel of the same thing?</p> <p>9 MR. SWEETEN: Are you asking him as to the 10 legislation or are you asking him as a general matter?</p> <p>11 MS. RUDD: As a general matter.</p> <p>12 A. As a general matter, I think confidence and fair and 13 clean elections is important, yes.</p> <p>14 Q. And that confidence in fair and clean elections would 15 include preventing people who aren't eligible to vote from 16 voting; is that right?</p> <p>17 A. Yes.</p> <p>18 MR. SWEETEN: Don't talk about the specific 19 legislation.</p> <p>20 A. In general, yes.</p> <p>21 Q. Okay. Let me see. I am going to quickly go through 22 some exhibits. And I think we've been doing this in the past. 23 I'm going to mark these as Straus <u>Intervenor Exhibit 1</u>, and I'll 24 go from there.</p> <p>25 (Straus <u>Intervenor Exhibit 1</u> marked)</p>



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<p>1 Q. Feel free to take a look at this when you're ready, 2 but if you could tell me what this is, that would be great. 3 A. This looks like the interim report from the committee 4 on elections prior to the 82nd Legislature. 5 Q. Okay. So this would be the committee on elections in 6 the 81st legislative session; is that right? 7 A. Yes. 8 Q. And if you look at the top, it looks like this 9 document went to you; is that right? 10 A. That's correct. 11 Q. Do you typically -- 12 A. To me and to fellow members, yes. 13 Q. Thank you. Do you typically read documents addressed 14 to you? 15 A. Well, I typically do. 16 Q. Fair enough. If you will flip with me to Page 26 of 17 that document. It's Bates labeled Texas_0006525. 18 A. Okay. 19 Q. There it says in Charge No. 3, "Examine the prevalence 20 of fraud in Texas elections. Study new law in other states 21 regarding voter identification and recommend statutory changes 22 necessary to ensure that only eligible voters can vote in Texas 23 elections." Did I read that correctly? 24 A. I think so. 25 Q. Good, I can read. Okay. If you'll flip with me now to</p>	<p>189</p> <p>1 referrals of instances of alleged voter fraud to the AG's 2 office; is that right? 3 A. That's what this indicates, yes. 4 Q. Do you happen to know what the population of the State 5 of Texas was as of the 2011 -- as of 2011? 6 A. Somewhere in the neighborhood of 24, 25 million. 7 Q. I'm actually impressed. I had to look it up. 25.6 8 million is what Google tells me. 9 A. Okay. 10 Q. So relative to the 25.6 million person population in 11 the State of Texas, do you consider 267 referrals of voter fraud 12 to the AG's office a significant problem? 13 MR. SWEETEN: Don't answer the question. It 14 would call for matters of legislative privilege and his opinions 15 about legislation. Instruct not to answer. 16 Q. Okay. If you look down the page with me. It says in 17 the middle of the second -- middle of the third paragraph there, 18 "He went on to explain, however, that the extent to which voter 19 fraud cases are prosecuted locally compared to the amount of 20 cases that are referred and handled by the AG's office could not 21 be determined." 22 And then if you continue to the fourth paragraph, it 23 says, "The prosecution of election fraud cases at the local 24 level are generally handled by the district attorney for felony 25 offenses and the county attorney for misdemeanors violations.</p>
<p>190</p> <p>1 next page of Page 27, which is Texas_6526. If you look there 2 underneath the heading labeled Testimony. 3 A. Okay. 4 Q. The second paragraph down, beginning "Since 2002". 5 A. Yes. 6 Q. Let me back up for a second. Who's Jay Dyer? 7 A. Deputy Attorney General For Government and External 8 Affairs. 9 Q. Do you know Mr. Dyer? 10 A. I've met him, yes. 11 Q. Okay. If you look at the second paragraph there, it 12 says, "Since 2002, Mr. Dyer testified that the AG's office 13 received 267 referrals of incidences of alleged illegal voting 14 as defined in Section 64.012 of the Texas Election Code." Did I 15 read that right? 16 A. Yes. 17 Q. And then he goes on to say, "Thirty-five of those 18 alleged violations have been resolved with guilty pleas, 19 dismissals or plea agreements, while 12 cases remain active and 20 the remainder of the cases are either still being investigated 21 or the statute of limitations has expired;" is that right? 22 A. That's what it says, yes. 23 Q. So what this is saying is since 2002 -- and this 24 report as you'll recall is in 2011. So in that nine-year 25 period, approximate nine-year period, there have only been 267</p>	<p>192</p> <p>1 Additional research would need to be conducted to gather 2 information from these officials about voter fraud cases that 3 are referred to and prosecuted by their offices." 4 Did I read that correctly? 5 A. Yes. 6 Q. Okay. Are you aware of any analysis in the public 7 record concerning the number of cases handled locally by the 8 district attorney for felony offenses at the local level, voter 9 fraud? 10 A. I'm not. 11 Q. Are you aware of any analysis in the public record of 12 prosecutions of election fraud conducted by county attorneys for 13 misdemeanors violations? 14 A. No, I'm not. 15 Q. Are you aware of any additional research reported on 16 in the public record concerning actual incidents of voter fraud 17 in the State of Texas? 18 A. Ask it again. 19 MS. RUDD: Can you read that back for me. 20 (Requested portion read by the reporter) 21 A. No. 22 MS. RUDD: Okay. I'll have this marked as Straus 23 Intervenor Exhibit 2. 24 (Straus Intervenor Exhibit No. 2 marked) 25 Q. Can you tell me what this document is?</p>



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<p>1 A. It's from the Legislative Budget Board, Criminal 2 Justice Impact Statement, 82nd Legislative Session. 3 Q. And this is dated May 5th, 2011; is that right? 4 A. That's right. 5 Q. And this again, in the To line it says it went to the 6 Honorable David Dewhurst and the Honorable Joe Straus. That's 7 you, correct? 8 A. Yes. 9 Q. Do you recall reading this document when it was sent 10 to you? 11 A. No, I don't. 12 Q. And who is John O'Brien? 13 A. He was the director of the Legislative Budget Board. 14 Q. Do you know Mr. O'Brien? 15 A. Yes. 16 Q. And in the in re: line it says S.B. 14. Do you see 17 that? 18 A. Yes. 19 Q. Okay. If you'll scan with me down to the last full 20 paragraph on that page. Sort of the middle of that paragraph 21 begins, "In fiscal year 2010." Do you see that? 22 A. Yes. 23 Q. It says, "In fiscal year 2010, less than five 24 offenders were admitted to prison and less than five were 25 released from prison in illegal voting or attempting to vote</p>	<p>193</p> <p>1 A. No. 2 Q. And do any of those statements regarding illegal 3 voting make the distinction between in-person illegal voting and 4 any other form of illegal voting? 5 MR. SWEETEN: You're asking about what's on here? 6 MS. RUDD: Correct. 7 MR. SWEETEN: You can answer based on the text. 8 A. Not that I see. 9 MS. RUDD: Okay. I'm going to have this marked as 10 Straus Intervenor Exhibit 3. (Straus Intervenor Exhibit No. 3 marked) 11 Q. I believe we looked at the first page of this document 12 just a few moments ago. This is the full document. And I'd 13 like you to just take a look through the document and tell me 14 whether you see any analysis in this -- well, first let me ask 15 you to testify as to what this document is. 16 A. This is the Conference Committee Report For Senate 17 Bill 14. 18 Q. Okay. And if you look at the top left-hand corner of 19 this document, it looks like this document went again to 20 Representative Dewhurst and you? 21 A. Yes, Lt. Governor Dewhurst. 22 Q. Thank you. Now, my question is, in looking through 23 this document -- and feel free to take as much time as you need 24 -- is there any analysis in this document regarding the number</p>
<p>194</p> <p>1 illegally." 2 Did I read that correctly? 3 A. Yes. 4 Q. Do you have any reason to disagree with that 5 statement? 6 A. No. 7 Q. And then it continues, "In fiscal year 2010, less than 8 five people were under patrol supervision for illegal voting or 9 attempting to vote illegally." 10 Do you have any reason to disagree with that 11 statement? 12 A. I do not. 13 Q. And then continuing, "In fiscal year 2010, five 14 offenders were placed on community supervision and less than 15 five were released from community supervision for illegal voting 16 or attempting to vote illegally." 17 Do you have any reason to disagree with that 18 statement? 19 A. No. 20 Q. And finally, "In 2010, less than five people were 21 arrested for illegal voting or attempting to vote illegally." 22 Do you see that? 23 A. Yes, I do. 24 Q. Do you have any reason to disagree with that 25 statement?</p>	<p>196</p> <p>1 of incidents of voter fraud in the State of Texas? 2 MR. SWEETEN: You can answer as to what's in the 3 text. 4 A. In the bill itself or in the analysis or? 5 Q. In the analysis. 6 A. Don't see that. 7 Q. Okay. I'm going to hand you what I'll have marked as 8 Straus Intervenor Exhibit 4. (Straus Intervenor Exhibit No. 4 marked) 9 Q. Can you tell me what this document is. 10 A. It's the senate's bill analysis. 11 Q. Is this a document that you typically see or is sent 12 to you? 13 A. Senate analysis, no. 14 Q. Okay. If you could just look through that document 15 for me and tell me whether it contains any analysis of the 16 number of incidents of voter fraud or the prevalence of voter 17 fraud in Texas? 18 MR. SWEETEN: And you can answer based on the 19 text of the bill or the bill analysis. 20 A. I don't see it. 21 MS. RUDD: Okay. I'll have this marked as Straus 22 Intervenor Exhibit 5. (Straus Intervenor Exhibit No. 5 marked) 23 Q. Can you identify this document for me.</p>



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<p>1 A. This is the bill analysis of the committee substitute 2 Senate Bill 14. 3 Q. And let me ask you, do you ever read these types of 4 analyses coming out of the Senate? 5 A. I'm much more likely to read the House bill analysis. 6 Q. Have you -- 7 A. House research. 8 Q. Have you read this type of analysis coming out of the 9 Senate before? 10 A. Have I? Maybe in rare cases. 11 Q. But you're familiar with the fact that this type of 12 analysis is done in connection with Senate bills? 13 A. Yes. 14 Q. Same question. Can you tell me whether there's any 15 analysis of the number of incidents of voter fraud or the 16 prevalence of voter fraud in Texas in this document? 17 MR. SWEETEN: You can answer based on the text of 18 the document she's handed you. 19 THE WITNESS: I'm looking for an analysis of? 20 MR. SWEETEN: Incidents of voter fraud, I think is 21 the question. 22 A. No. 23 MS. RUDD: Okay. Last one. Straus Intervenor 24 Exhibit 7? 25 THE REPORTER: 6.</p>	<p>197</p> <p>1 MR. SWEETEN: Don't reveal any conversations 2 you've had or matters of privilege in answering the question. 3 Also, objection, calls for speculation. 4 You can answer. 5 A. I don't know how to judge what isn't in a report. 6 Q. When you charge as the Speaker of the House a 7 committee with certain tasks, do you expect them to report 8 publicly on what their answer is to the various charges that 9 you've given them? 10 MR. SWEETEN: Don't reveal your personal 11 motivations. You can talk about general procedure in answering 12 that question. 13 A. Yeah, personal charges. 14 Q. So if we refer back to I think my first exhibit, which 15 is the report of the committee on elections from January 10, 16 2011. 17 A. Uh-huh. 18 Q. At the beginning of that document. 19 A. Yeah. 20 Q. Page 5, Bates No. Texas_6504, there are five charges 21 there. 22 A. Uh-huh. 23 Q. Do you or someone on your staff typically draft the 24 charges to the committees? 25 A. Yes.</p>
<p>1 (Straus Intervenor Exhibit No. 6 marked) 2 Q. Can you tell me what this document is? 3 A. It's another bill analysis for Senate Bill 14, Senate 4 Research Center. 5 Q. And same question. Is there any analysis in this 6 document that you can see describing the number of incidents of 7 voter fraud or the prevalence of voter fraud in Texas? 8 MR. SWEETEN: You can answer based on the text of 9 the document. 10 A. No. 11 Q. Okay. Just a couple of final questions for you. 12 Are House committees required to publicly report on 13 any analysis of legislation done in committee? 14 A. Are House committees required to? 15 Q. Publicly report on their analysis of proposed 16 legislation? 17 A. Yes. 18 Q. Okay. And is it true that House bills all come 19 attached -- if they're discussed in the committee all come 20 attached with a fiscal note and a bill analysis? 21 A. Yes. 22 Q. Okay. So is it fair to say that if there is no public 23 report that contains an analysis of the number of incidents of 24 voter fraud or the prevalence of voter fraud in Texas that that 25 analysis didn't occur in any committee of the House?</p>	<p>198</p> <p>1 Q. Okay. And is it the committees' duty, in your 2 opinion, to report information consistent with those charges 3 when they publish a committee report? 4 A. Yes. 5 MR. SWEETEN: You can answer as a general matter. 6 A. Yes. 7 Q. Okay. So if you've charged a committee with certain 8 assignments, do you expect that any analysis done in connection 9 with those assignments will be publicly reported as part of the 10 committee report at the end of the day? 11 MR. SWEETEN: Objection, compound. Objection, 12 calls for speculation. 13 You can answer as a general matter. Don't reveal 14 matters of privilege. 15 A. As a general matter, I issue charges during the 16 interim and rely on the committees to work at their own 17 discretion. 18 Q. Do you know whether, apart from this report on January 19 10th, 2011, there's ever been any public report that contains 20 any analysis of the number of incidents of voter fraud or the 21 prevalence of voter fraud in Texas? 22 MR. SWEETEN: As to the public record, you can 23 answer. 24 A. Only -- no, I'm not, other than maybe one you've shown 25 me earlier.</p>



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June 11, 2012

<p>1 MS. RUDD: No further questions.</p> <p>2 EXAMINATION</p> <p>3 BY MR. SWEETEN:</p> <p>4 Q. Speaker Straus, you -- Senate Bill 14 was heard first</p> <p>5 in the Senate, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And were there public proceedings regarding Senate</p> <p>8 Bill 14 before it was voted upon? Do you know?</p> <p>9 A. Before it was voted upon by the Senate?</p> <p>10 Q. Yes.</p> <p>11 A. Committee. I assume the committee considered it</p> <p>12 first, yes.</p> <p>13 Q. When it came to the House -- and I'm asking as matters</p> <p>14 of public record -- was there a committee that heard testimony</p> <p>15 and considered this bill?</p> <p>16 A. Yes.</p> <p>17 Q. Was this bill debated on the floor of the House with</p> <p>18 evidence and argument being presented both ways on the floor of</p> <p>19 the House, based on the public record?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. With respect to your vote -- you were voted in</p> <p>22 as the Speaker of the House on what date? What year?</p> <p>23 A. January -- early January of '09, and the same in early</p> <p>24 January of 2011.</p> <p>25 Q. Okay. What was the vote in '09 for you to be the</p>	<p>201</p> <p>1 legislative debate or is that typically provided in committee?</p> <p>2 A. There could be -- it could occur in both committee and</p> <p>3 on the floor.</p> <p>4 Q. But you're not aware of any specific evidence of</p> <p>5 in-person voter fraud that was presented during the debate on</p> <p>6 S.B. 14 in the House in 2011, correct?</p> <p>7 A. I don't recall specifically, no.</p> <p>8 Q. And finally, you just testified a moment ago that the</p> <p>9 vote for you in 2009 for the speakership was 150 to 0; is that</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Are speaker votes typically addressed or negotiated</p> <p>13 internally prior to the public vote?</p> <p>14 A. Yes.</p> <p>15 Q. Did Speaker Craddick wish to continue to hold the</p> <p>16 speakership in 2009? Did he express that publicly?</p> <p>17 A. Up to a point, yes.</p> <p>18 MR. FREEMAN: I have no further questions.</p> <p>19 A. But not when the vote was taken.</p> <p>20 MR. FREEMAN: I have no further questions.</p> <p>21 FURTHER EXAMINATION</p> <p>22 BY MR. SWEETEN:</p> <p>23 Q. With respect to your recollection of the public</p> <p>24 testimony on the floor of the House or the committee of the</p> <p>25 House, would the best evidence of that be the actual record</p>
<p>1 Speaker of the House?</p> <p>2 A. It was unanimous, 150 to 0.</p> <p>3 Q. What was the vote in 2011?</p> <p>4 A. I don't recall exactly, but it was in the neighborhood</p> <p>5 of 135.</p> <p>6 Q. To?</p> <p>7 A. To 15ish.</p> <p>8 MR. SWEETEN: I don't have any further questions.</p> <p>9 MR. FREEMAN: I have a few quick follow-ups just</p> <p>10 based on Mr. Sweeten's questions.</p> <p>11 FURTHER EXAMINATION</p> <p>12 BY MR. FREEMAN:</p> <p>13 Q. First, just to clarify, you testified a moment ago</p> <p>14 that there were proceedings in a committee in the Senate prior</p> <p>15 to the vote. Was that the committee of the whole?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay. Second, you just testified a moment ago that</p> <p>18 there was evidence and argument presented on the floor of the</p> <p>19 Texas House prior to the vote; is that correct?</p> <p>20 A. The bill came to the floor. It was fully debated,</p> <p>21 yes.</p> <p>22 Q. What evidence was presented on the floor of the Texas</p> <p>23 House in terms of evidence of in-person voter fraud?</p> <p>24 A. I don't recall specific evidence.</p> <p>25 Q. Is it customary for evidence to be presented during</p>	<p>202</p> <p>1 itself?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Rather than your personal recollection as</p> <p>4 you're sitting here?</p> <p>5 A. Most definitely.</p> <p>6 MR. SWEETEN: I don't have any further questions.</p> <p>7 MR. FREEMAN: Thank you for your time.</p> <p>8 (Deposition concluded at 4:10 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



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June 11, 2012

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1 ORAL DEPOSITION OF SENATOR CARLOS URESTI, produced
2 as a witness at the instance of the Defendant, was duly
3 sworn, was taken in the above-styled and numbered cause
4 on the JUNE 11, 2012, from 9:36 a.m. to 1:15 p.m.,
5 before Chris Carpenter, CSR, in and for the State of
6 Texas, reported by machine shorthand, at the offices of
7 The Attorney General of Texas, 209 West 14th Street, 1st
8 Floor Conference Room, Austin, Texas 78701, pursuant to
9 the Federal Rules of Civil Procedure and the provisions
10 stated on the record or attached hereto.

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CARLOS URESTI

June 11, 2012

<p>1 INDEX</p> <p>2 Appearances.....3</p> <p>3 SENATOR CARLOS URESTI</p> <p>4 Examination by Mr. Frederick.....6</p> <p>5 Examination by Mr. Garza.....115</p> <p>5 Examination by Mr. Gear.....119</p> <p>6 Further Examination by Mr. Frederick.....122</p> <p>6</p> <p>7 Signature and Changes.....127</p> <p>7</p> <p>8 Reporter's Certificate.....129</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 NO. DESCRIPTION PAGE MARKED</p> <p>11 1 Senate Journal, May 9, 2011 39</p> <p>12 2 Senate Journal, Jan. 26, 2011 40</p> <p>13 3 Declaration of Carlos Uresti 44</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>5</p> <p>1 Bexar County, the southeast side of San Antonio, and it</p> <p>2 stretches all the way to El Paso. It also includes</p> <p>3 two-thirds of the Texas-Mexico border. It includes all</p> <p>4 or part of 23 counties. It includes 62 school</p> <p>5 districts. It's larger than approximately 20 states or</p> <p>6 so and about 118 countries and two planets. It's a big</p> <p>7 district.</p> <p>8 Q. Senator Uresti, are you asserting legislative</p> <p>9 privilege in this case over matters related to Senate</p> <p>10 Bill 14?</p> <p>11 (Conferring with Mr. Maldanado.)</p> <p>12 A. No, sir, I'm not.</p> <p>13 Q. I know you said you're a lawyer. Have you</p> <p>14 actually been deposed before?</p> <p>15 A. Actually, I think this is the first time I've</p> <p>16 ever been deposed in 20 years.</p> <p>17 Q. Okay. I won't belabor the ground rules, but</p> <p>18 I'll go through them very quickly just to remind you.</p> <p>19 The most important is just to answer</p> <p>20 audibly so the court reporter can hear. So instead of</p> <p>21 nodding your head or shaking your head, if you could say</p> <p>22 yes or no, that will help our court reporter.</p> <p>23 And if you don't understand a question I</p> <p>24 ask, please don't hesitate to ask me to rephrase. I'll</p> <p>25 be happy to do so. Do you understand?</p> <p>6</p> <p>1 A. Yes, sir.</p> <p>2 Q. And again, to make the court reporter's job</p> <p>3 easier, if you could just wait until I finish asking a</p> <p>4 question to start your answer, that will avoid us</p> <p>5 talking over each other. And likewise, I will do my</p> <p>6 best not to start a new question while you're still</p> <p>7 answering. Do you understand that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Now, your lawyer may object to some of my</p> <p>10 questions. If he does, unless he instructs you not to</p> <p>11 answer, you can still answer my question. Do you</p> <p>12 understand that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Thank you, sir. And you are represented by</p> <p>15 counsel today; is that right?</p> <p>16 A. Yes, sir. I'm represented by Bobby Maldonado.</p> <p>17 Q. Great. Thank you.</p> <p>18 Senator Uresti, what did you do to prepare</p> <p>19 for your deposition today?</p> <p>20 A. About the only thing I did was read my</p> <p>21 affidavit that I had submitted a couple of months ago,</p> <p>22 and generally reviewed the timeline of the amendments,</p> <p>23 et cetera, that were filed on the bill.</p> <p>24 Q. Did you meet with anyone to discuss your</p> <p>25 deposition today?</p> <p>8</p>
---	---

CARLOS URESTI

June 11, 2012

1 A. Just my attorney. 2 Q. How many times did you meet with your attorney 3 to discuss your deposition? 4 A. Once. 5 Q. About how long did that meeting last? 6 A. About an hour and a half. 7 Q. Was anybody else at the -- at your meeting with 8 your attorney? 9 A. No, sir. 10 Q. Other than the affidavit you submitted and the 11 timeline of the bill and amendments, did you review any 12 other documents to prepare for your deposition today? 13 A. Not that I can recall. 14 Q. Did you bring any documents with you today? 15 A. No, sir. 16 Q. Are you currently registered to vote? 17 A. Yes, sir. 18 Q. Do you have a current Texas driver's license? 19 A. Yes, sir. 20 Q. Do you have a concealed handgun license? 21 A. No, sir. 22 Q. Do you have a passport? 23 A. Yes, sir. 24 Q. Are there any other members of your household 25 who are of voting age?	9	1 A. Yes. 2 Q. What town do they live in? 3 A. Both of them live in San Antonio. 4 Q. All right. Do you know if either of your sons 5 has a concealed handgun license? 6 A. My youngest son does. I believe he does. 7 Q. And that's Michael? 8 A. No, Carlos. 9 Q. Oh, Carlos. 10 A. Junior. He just got out of the Marine Corps. 11 Q. Oh, okay. Did your other son serve in the 12 military? 13 A. No, sir. 14 Q. Are you aware of whether or not your younger 15 son has a military ID? 16 A. I believe he does, but I don't know if it has a 17 photo on it or not. 18 Q. I want to talk about Senate Bill 14, and I'm 19 sure you remember, but just to make clear, when I talk 20 about Senate Bill 14, I refer to the photo voter ID that 21 was passed by the legislature in the 2011 session. 22 A. Yes, sir. 23 Q. Did you speak with any lobbyists about Senate 24 Bill 14? 25 A. I really don't remember speaking to any	11
1 A. Yes, sir. 2 Q. And who are they? 3 A. Well, I guess let me make sure I understand the 4 question. Are you talking about my immediate family? 5 Q. Correct, yes. 6 A. Well, I'm single, and my children are both 7 adults. 8 Q. Okay. Are your children registered to vote? 9 A. Yes, sir. 10 Q. Do your children have current Texas drivers' 11 licenses? 12 A. I don't know. 13 Q. Do you know if your children have a passport? 14 A. They did when they were minors, but I don't 15 think those passports are valid anymore. 16 Q. Okay. 17 A. But I don't know. 18 Q. How many children do you have? 19 A. I have two young boys, two young adult boys. 20 Q. How old are they? 21 A. 29 and 26. 22 Q. And what are their names? 23 A. The oldest is Michael C. Uresti, and my 24 youngest is Carlos A. Uresti, Jr. 25 Q. Do your sons live in Texas?	10	1 A. lobbyists about it. I'm not saying I didn't, but I 2 don't recall speaking to a lobbyist. 3 Q. Do you recall whether you spoke to any 4 representative of an organization outside the Texas 5 legislature about Senate Bill 14? 6 A. I don't recall speaking to anybody outside the 7 legislature. 8 Q. Do you recall speaking to anybody outside the 9 legislature about any of the prior voter ID bills 10 considered in either 2005, 2007 or 2009? 11 A. I don't recall, other than the Department of 12 Justice, but... 13 Q. And you spoke to the Department of Justice at 14 some point about Senate Bill 14; is that right? 15 A. That's correct. 16 Q. Did you speak to the Department of Justice 17 about any of the previous voter ID bills considered by 18 the legislature? 19 A. In preparing my affidavit, I did. 20 Q. And when was that? 21 A. A couple of months ago. 22 Q. Okay. So this was either during or after the 23 2011 session? 24 A. It was after. 25 Q. Okay. Do you recall ever speaking to the	12



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June 11, 2012

<p>1 Department of Justice about voter ID before the 2011 2 session? 3 A. I did not speak to them before. 4 Q. Do you recall whether you received any 5 materials on voter ID legislation from anyone outside 6 the Texas Legislature during the 2011 session? 7 A. I don't recall. I'm not going to say we 8 didn't. Our office gets, as you know, a lot of 9 different information. But specifically, I don't 10 recall. 11 Q. About how many bills get considered during a 12 single legislative session? 13 A. Well, generally, I know approximately 5,000 14 bills are filed every session, and then you have the 15 substitutes to those bills. And then, of course, you 16 have amendments and then amendments of amendments. So 17 you're talking about literally thousands of pieces of 18 legislation, and a result, thousands of different 19 information coming in on those different bills. 20 Q. Okay. So I imagine there are at least some 21 groups interested in most, if not all, of those -- of 22 those bills that get filed? 23 A. Sure. 24 Q. Do you recall -- do you recall whether you got 25 any material from a group outside the legislature on</p>	<p>13</p> <p>1 A. Yes, sir. 2 Q. Did the Senate Hispanic Caucus provide its 3 members with any materials on SB 14 during the 2011 4 session? 5 A. I don't recall. I don't think we did, but I'm 6 not positive. 7 Q. Does the Senate Hispanic Caucus have a chair or 8 a president? 9 A. I'm the chairman of the caucus. 10 Q. Okay. Have you talked to any of your 11 constituents about a photo ID requirement for voting? 12 A. Yes, sir. 13 Q. Do you have an idea about how many constituents 14 you have talked to about photo voter ID? 15 A. Well, I speak to them, I guess, generally in 16 groups. 17 Q. Uh-huh. 18 A. And then individually as well. So I mean, I 19 would be guessing. It could be hundreds. It could be 20 in the thousands. Again, I'm just guessing, because 21 over the several years, I've spoken to literally 22 thousands of people, but not necessarily specifically 23 about the voter ID bill, but... So it's a guess. I've 24 spoken to a lot of people. 25 Q. Okay. So you give a lot of addresses or</p>
<p>1 Senate Bill 362 in 2009 or any of the previous voter ID 2 bills considered by the legislature? 3 A. I don't remember. 4 Q. Is there a Senate Democratic Caucus group? 5 A. Yes, there is. 6 Q. And you are a Democrat, right? 7 A. Of course. 8 Q. Okay. So you're a member of the Democratic 9 Caucus? 10 A. Yes. 11 Q. Do you recall whether the Democratic Caucus 12 provided any materials to its members about SB 14 during 13 the 2011 session? 14 A. I don't recall. 15 Q. Are you also a member of the Mexican American 16 Legislative Caucus? 17 A. No, sir. I'm the chairman of the Senate 18 Hispanic Caucus, so we have our own -- the Senate has 19 their own caucus besides -- separate from the House 20 caucus. 21 Q. Because the Mexican American Legislative Caucus 22 is the House; is that right? 23 A. Yes, sir. 24 Q. Okay. And its the Senate Hispanic Caucus; is 25 that right?</p>	<p>14</p> <p>1 speeches or talks to groups of constituents? 2 A. Yes, sir. 3 Q. And it's possible that a talk might include 4 several topics? Is that right? 5 A. Yes, sir. 6 Q. Do you recall whether you've gotten e-mails or 7 letters from your constituents about either SB 14 or 8 generally photo voter ID? 9 A. Yes, sir, we have. 10 Q. Do you have a ballpark estimate of how many 11 letters or e-mails you have gotten about SB 14 or photo 12 voter ID? 13 A. Again, I would be guessing. Over the years, we 14 literally get, on an average, 3-, 4-, 500 e-mails a day, 15 not on voter ID, but you talk about -- you know, you can 16 pick an issue, so you multiply that out. So I couldn't 17 even guess at that answer. 18 Q. Is there a dedicated e-mail address for 19 constituent correspondence in your office? 20 A. Yes, sir. 21 Q. Is that an official state legislative account? 22 A. Yes, sir. It's my Senate e-mail address. 23 Q. Is that -- in your experience, is that where 24 constituent e-mails go? 25 A. Yes, sir.</p>



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CARLOS URESTI

June 11, 2012

<p>1 Q. Do you ever get constituent e-mails to another 2 e-mail account?</p> <p>3 A. That's the only one we have set up. Now, it 4 may go to my staff as well. But I believe 99 percent of 5 constituent e-mails, at least the initial e-mail, will 6 come to Carlos.Uresti@senate.state.tx.us.</p> <p>7 Q. To the extent that you can recall, and 8 understanding that you have a lot of communication with 9 constituents, do any of your constituents support a 10 requirement of photo voter ID for voting?</p> <p>11 A. I believe there is probably some that do.</p> <p>12 Q. And do any of your constituents, to your 13 knowledge, oppose a photo ID requirement for voting?</p> <p>14 A. Yes, sir. I believe there's many that do as 15 well.</p> <p>16 Q. Would you say that most of your constituents 17 support a photo voter ID requirement for voting?</p> <p>18 A. No, sir.</p> <p>19 Q. Would you say that most of your constituents 20 oppose a photo ID requirement for voting?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Again, understanding that you have a lot of 23 constituent communications, do you have an estimate of 24 what percentage of your constituents support or oppose 25 photo voter ID requirements for voting?</p>	17	<p>1 for you?</p> <p>2 A. Not that I believe.</p> <p>3 Q. Did anyone else prepare talking points for you 4 about the previous bill, SB 362?</p> <p>5 A. Not that I -- not that I know of, no.</p> <p>6 Q. Did you conduct any studies about the potential 7 impact of Senate Bill 14?</p> <p>8 A. No, sir. Not individually, no.</p> <p>9 Q. Did your staff conduct any studies about the 10 potential impact of SB 14?</p> <p>11 A. No, sir.</p> <p>12 Q. And Senate Bill 362, to the best of your 13 recollection, did you or your staff conduct any studies 14 about the potential impact of SB 362?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you review any studies about the potential 17 impact of SB 14?</p> <p>18 A. I think we -- I recall vaguely reviewing 19 studies of other voter ID bills, but not once this bill 20 was passed. If that's your question. In other words, 21 did I review a study after Senate Bill 14 was passed?</p> <p>22 No. Have I reviewed studies of similar pieces of 23 legislation and the effects it would have on minority 24 districts and constituents, yes, I have.</p> <p>25 Q. Did you review any studies or projections about</p>	19
<p>1 A. Well, if you want me to guess, 75 percent of 2 them.</p> <p>3 Q. Okay. And is that an estimate just based on 4 communications, either oral or written, by e-mail or 5 letter?</p> <p>6 A. Most of them would be my interactions with 7 folks once they understand the bill. I think, again, 8 generally speaking, 75 percent would say -- would oppose 9 it.</p> <p>10 Q. Did you prepare any talking points on SB 14 for 11 either a committee proceeding or a Floor debate?</p> <p>12 A. Yes, sir.</p> <p>13 Q. To the extent you can recall, did you prepare 14 talking points for the previous photo ID bill, SB 362?</p> <p>15 A. I'm pretty sure we did. Knowing how diligent 16 my staff is, I'm pretty sure we had those prepared.</p> <p>17 Q. Is it typically your staff that prepares 18 talking points about specific legislation?</p> <p>19 A. Generally, they'll draft them, and I'll refine 20 my points.</p> <p>21 Q. To the best of your recollection, was it your 22 staff and yourself that prepared talking points for you 23 about SB 14?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Did anyone else prepare talking points on SB 14</p>	18	<p>1 the specific impact of Senate Bill 14 on Texas voters, 2 either after or before it passed?</p> <p>3 A. Well, again, it wasn't specific to Senate Bill 4 14, because we didn't know what the final form of the 5 bill would be. But generally, similar legislation, yes, 6 I do recall reviewing some studies about how similar 7 legislation would affect my district in Texas.</p> <p>8 Q. Do you recall any of the specific studies that 9 you reviewed?</p> <p>10 A. No, sir.</p> <p>11 Q. And when you say similar legislation, was that 12 legislation that had been considered or passed by other 13 states?</p> <p>14 A. Either that, or it was other states -- when the 15 bill was being presented, it would be represented that 16 other states had passed similar legislation.</p> <p>17 Q. Do you recall seeing or reviewing any studies 18 about Indiana's photo voter ID law?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall seeing or reviewing any studies 21 about Georgia's photo voter ID law?</p> <p>22 A. Vaguely. You remember, it's been a couple of 23 years, and -- about a year and a half, I guess. But 24 vaguely.</p> <p>25 Q. Do you recall generally what the substance of</p>	20



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June 11, 2012

<p>1 that study was about the Georgia law? 2 A. No, sir. 3 Q. Before the 2011 session, do you recall seeing 4 any studies about the potential impact of Senate Bill 5 362 on Texas voters? 6 A. Vaguely. 7 Q. Do you recall any of the specific studies that 8 you reviewed? 9 A. No, sir. 10 Q. Do you recall if any were actually specific to 11 Texas? 12 A. No, sir. 13 Q. Have you seen any studies on the impact of 14 voter ID laws generally on voter turnout? 15 A. Not that I can recall. 16 Q. So you mentioned a few minutes ago that you had 17 spoken with someone at the Department of Justice about 18 Senate Bill 14; is that right? 19 A. Yes, sir. 20 Q. Do you recall who you spoke with at the 21 Department of Justice about SB 14? 22 A. Bruce Geary. 23 Q. Bruce Gear? 24 A. Gear. 25 Q. Was there anyone else at the Department of </p>	<p>21 1 A. Yes, sir. 2 Q. Are you aware that that happened on March 12, 3 2012? 4 A. No, sir. 5 Q. So you wouldn't be able to say whether or not 6 you spoke to the Department of Justice before or after 7 preclearance was denied? 8 A. No, sir. 9 Q. Has the Department of Justice asked you to do 10 anything else in this lawsuit besides provide a 11 declaration or affidavit? 12 A. No, sir. 13 Q. Senator, are you -- are you familiar with 14 Section 5 of the Voting Rights Act? 15 A. Generally. 16 Q. What's your understanding, just very generally, 17 of Section 5? 18 A. Generally, due to the state of Texas's history 19 over the last several decades with regard to a 20 discriminatory effect on voters, based on its laws and 21 its policies, that before certain laws can go into 22 effect, it has -- those laws have to be precleared by 23 the Department of Justice to ensure that voters aren't 24 disenfranchised and they continue to have the ability to 25 vote. </p>
<p>1 Justice that you spoke to? 2 A. No, sir. 3 Q. Did you send any letters or e-mails to the 4 Department of Justice about SB 14? 5 A. No, sir. 6 Q. Did you provide any information to the 7 Department of Justice about SB 14? 8 A. Just the affidavit. 9 Q. Did the Department of Justice ask you to 10 provide testimony in this lawsuit? 11 A. Not that I can recall. 12 Q. Did the Department of Justice ask you to 13 provide a declaration or affidavit in this lawsuit? 14 A. Just an affidavit. 15 Q. Do you recall, roughly, when the Department of 16 Justice asked you to provide an affidavit in this 17 lawsuit? 18 A. February or March, I think, 2012, of this 19 year. I believe that's the time frame. 20 Q. Are you aware that the Department of Justice 21 sent a letter to the State of Texas, on March 12, 2012, 22 interposing an objection or refusing to preclear SB 14? 23 A. I'm not aware of the letter. 24 Q. Are you aware that the preclearance was denied 25 of SB 14? </p>	<p>22 1 Q. And is it your understanding that under 2 Section 5, the inquiry goes to whether a particular law 3 has a discriminatory effect or a discriminatory purpose? 4 A. Yes, sir. 5 Q. Okay. I want to talk briefly about the effect 6 of that specific to SB 14. 7 Do you contend that Senate Bill 14 will 8 have the effect of denying or abridging African American 9 Texans' right to vote? 10 A. Yes, sir. 11 Q. What is the basis for that contention? 12 A. Well, the strict requirements that are in the 13 bill that require all voters to have a photo ID, in 14 addition to their voter's registration card, which I 15 believe is a -- can be -- especially speaking about my 16 district, there will be many obstacles in the way of my 17 constituents obtaining that photo ID in a timely fashion 18 in order to vote, and as a result, it will have that 19 effect. 20 Q. Do you know, roughly speaking, what percentage 21 of your constituents are African American, Hispanic, 22 Anglo, and Asian American? 23 A. Yes, sir. Approximately -- of the 800,000 or 24 so folks that I represent, approximately 69 to 69 and a 25 half percent are Hispanic. Approximately 5 to 5 and a </p>



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June 11, 2012

25 1 half percent are African American. Maybe less than 1 2 percent are Asian American. And then the balance would 3 be Anglo. 4 Q. And so your contention that Senate Bill 14 will 5 have the effect of denying or abridging African American 6 voters' right to vote, is the contention basically that 7 requiring a photo ID will harm African American voters' 8 right to vote because they may not have the ID that's 9 required? 10 A. Exactly. 11 Q. Okay. Is there any other specific way or any 12 other way that you contend that SB 14 will have a 13 negative impact on African American voters? 14 A. Well, I think an additional way will be the 15 fact that it may disenfranchise African Americans from 16 voting, based on their long history of having to 17 overcome civil rights violations. And during all of the 18 things that they've had to go through, I believe that 19 this will disenfranchise them -- disenfranchise them 20 once again based on, perhaps, some of the fear that 21 still exists in African Americans and many of those that 22 live in my district. Their distrust perhaps, and the 23 intimidation as well. So I believe because of that, 24 that they may feel that intimidation and fear and 25 distrust, and as a result be disenfranchised and not go	27 1 believe so. 2 Q. Do you contend that Senate Bill 14 will have 3 the effect of denying or abridging Latino Texans' right 4 to vote? 5 A. Absolutely. 6 Q. And can you explain to me what the basis for 7 that contention is? 8 A. Well, again, speaking specifically of my 9 district, first of all, wherein it's almost 70 percent 10 Hispanic, many of my residents live along the border. 11 Again, I represent two-thirds of the Texas-Mexico 12 border. Many already do not have a valid ID for 13 different reasons, even though they are American 14 citizens. Once again, I believe the effect of this bill 15 will be to disenfranchise them or to prevent barriers or 16 obstacles keeping them from being able to exercise their 17 constitutional right to vote. 18 Q. And in your understanding, the barrier or 19 obstacle caused by SB 14 would be the requirement that 20 they have to have -- that if they don't have one of the 21 specific forms of ID, they will not be allowed to cast a 22 ballot; is that right? 23 A. Absolutely. That would have been the case with 24 my mother, for example. She had a voter's registration 25 card. She was a American citizen born in Texas, hadn't
26 1 to the voting booth. 2 Q. When you say intimidation, is there -- what is 3 it in SB 14 that you understand would intimidate or 4 deter African American voters from voting? 5 A. The fact that they have to go, for one, to the 6 Department of Public Safety to get a photo ID. Many of 7 them may not drive. Many of them may be elderly and 8 have gone through Civil Rights Movement. They may be in 9 their 70 or 80s. So that fear that may still exist, 10 perhaps. I think that could be intimidating. And 11 knowing that they're going to have to overcome those 12 obstacles, coupled with the fact the fee or the travel, 13 you know, et cetera, all of those factors, either 14 individually or together, I think will lend itself to 15 some intimidation amongst African American voters. 16 Q. So is it accurate to say that in your 17 understanding, the negative effects that may -- that may 18 occur with respect to African American voters are all 19 based on this requirement that they have to either show 20 or get a specific form of ID that they may not have 21 already? 22 A. Exactly, especially given the fact that they 23 already have a voter's registration card, that they're 24 going to be required to go and obtain an additional form 25 of identity, specifically a photograph ID, yes, I	28 1 driven in many years because of her health, and she 2 would not be able to vote with this -- if this bill goes 3 into effect because she can't get to the DPS office to 4 get a photo ID. 5 Q. How old is your mother? 6 A. She passed away last November. She was 77. 7 Q. Oh, I'm sorry. 8 Do you believe that SB 14, if it -- if it 9 is implemented, will have the effect of preventing or 10 deterring indigent Texans from voting? 11 A. There's no question it will. 12 Q. And is -- can you briefly explain the basis for 13 that? 14 A. Well, for one, the cost of obtaining the ID. 15 Two, again, keeping in mind that in my district, it's -- 16 you know, there are some folks that may live in Kinney 17 County, for example, which is in between Eagle Pass 18 and -- or Uvalde and Del Rio. To travel to a DPS office 19 could take an hour, an hour and a half one way. That's 20 assuming there's a DPS office that's open. And if 21 you're indigent, most likely, you don't have a vehicle. 22 There's no infrastructure wherein you can just hop on a 23 bus and travel there. And if you do, hopefully you'll 24 get there before the lines are too long and/or before 25 the DPS office has closed. So there is no question for



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June 11, 2012

<p>1 anyone to think that this bill will not affect the 2 indigent. They need to come out to my district and talk 3 to those folks. 4 Q. Do you have a general idea of what percentage 5 of your constituents are indigent? 6 A. Well, I can tell you that -- I don't know the 7 exact number, but a large number of my constituents 8 either live in poverty or are on the border of living in 9 poverty, where the average -- the average per capita 10 income for my district is \$12,500 per year. So it's a 11 huge number. When you go along the border, the poverty 12 rates are much bigger than they are than in other parts 13 of Texas. 14 Q. Do you believe that SB 14 will negatively 15 effect Asian Americans voters' right to vote in Texas? 16 A. Yes, sir. 17 Q. Can you tell me the basis for that contention? 18 A. Well, for the same reasons that I've already 19 mentioned how I think it will effect African Americans 20 and Hispanics as well. You know, the whole idea of 21 requiring them to obtain an additional form of ID, photo 22 ID, in addition to their voter's registration card, I 23 think imposes conditions upon them that aren't 24 necessary, and given the fact that many of the folks 25 that live in my district live in poverty or are very</p>	29	<p>1 Q. I want to move on to a similar but slightly 2 different area and talk about possession of photo IDs. 3 Do you believe that African American 4 voters in Texas are less likely than average to have one 5 of the IDs required by SB 14? 6 A. Yes, sir. 7 Q. Do you believe that Latino voters in Texas are 8 less likely than average to have a form of 9 identification required by SB 14? 10 A. Yes, sir. 11 Q. Do you believe that Asian American voters in 12 Texas are less likely to have a form of identification 13 required by SB 14? 14 A. Yes, sir. 15 Q. Do you believe that elderly voters in Texas are 16 less likely than average to have one of the IDs required 17 by SB 14? 18 A. Yes, sir. 19 Q. And do you believe that indigent voters are 20 less likely than average, indigent voters of Texas are 21 less likely than average to have one of the IDs required 22 by SB 14? 23 A. Absolutely. 24 Q. Do you believe that disabled voters in Texas 25 are less likely than average to have one of the IDs</p>	31
<p>1 poor, it's just a burden that they're -- it's going to 2 be difficult for them to overcome. And that goes to 3 basically most folks that live in my district, and I 4 would submit throughout Texas as well. 5 Q. Do you believe that SB 14 will have a negative 6 effect on Anglo voters in your district? 7 A. Absolutely. 8 Q. And is that for the same reason we've talked 9 about, why it will affect other voters in your district? 10 A. Well, I think more so because of the indigency 11 issue or the poverty issue as well. You know, if 12 you've ever driven to Presidio, you know that that's a 13 long way from Austin or to any DPS office. And because 14 of that fact, the geographical issue, coupled with the 15 indigency issue, the fact that they're poor, will make 16 it very difficult. 17 Q. Are you familiar with any polls about support 18 for voter photo ID legislation among Texans? 19 A. I don't follow polls generally, so, no, I 20 don't. I'm not. 21 Q. Do you recall any polls being introduced or 22 discussed during the legislative debate about SB 14? 23 A. Generally, there were -- I know somebody who 24 made reference to a poll, but I couldn't tell you the 25 specifics of that poll.</p>	30	<p>1 required by SB 14? 2 A. Yes, sir. 3 Q. Do you believe that voters in rural areas are 4 less likely than average -- rural areas of Texas are 5 less likely than average to have one of the IDs required 6 by SB 14? 7 A. Yes, sir. 8 Q. Do you believe that voters who lack a high 9 school diploma are less likely than average to have a 10 form of identification required by SB 14? 11 A. Most likely, yes. 12 Q. And we've talked a little bit about the 13 requirement of actually getting an ID. If somebody 14 doesn't have one, do you believe that an indigent voter 15 in Texas is less likely than a nonindigent voter to be 16 able to get one of the forms of ID required by SB 14? 17 A. Yes, sir. 18 Q. Do you believe that elderly voters are in Texas 19 are less likely than nonelderly voters to be able to 20 obtain one of the IDs required by SB 14? 21 A. Yes, sir. 22 Q. Do you believe that disabled voters in Texas 23 are less likely than voters who are not disabled to be 24 able to obtain one of the IDs required by SB 14? 25 A. Yes, sir.</p>	32



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<p>1 Q. Do you believe that voters in rural areas of 2 Texas are less likely than urban or suburban voters to 3 be able to obtain a form of identification required by 4 SB 14? 5 A. Yes, sir. 6 Q. Do you believe that young voters in Texas are 7 less likely than average to have one of the IDs required 8 by SB 14? 9 A. I believe so, yes. 10 Q. And similarly, do you believe that young voters 11 in Texas are less likely than average to be able to 12 obtain one of the forms of ID required by SB 14? 13 A. Yes, sir. 14 Q. I want to move on to talk about -- talk about 15 discriminatory purpose for a little bit. 16 Do you contend that the Texas Legislature 17 intended to harm African American voters by passing 18 SB 14? 19 A. Not the whole legislature, no. 20 Q. Do you contend that certain legislators voted 21 in favor of Senate Bill 14 for the specific purpose of 22 harming African American voters? 23 A. I contend that the bill was passed for that 24 purpose. 25 Q. Do you contend that that was the purpose of the</p>	33	<p>1 legislature passed that bill. 2 Q. With respect to the legislators who supported 3 and voted for Senate Bill 14, do you contend that -- do 4 you contend that the legislators who voted for Senate 5 Bill 14 did so for the purpose of harming African 6 American Texans' ability to vote? 7 A. Well, I certainly think that they knew after -- 8 by that time that the bill came up for a vote, based on 9 my objections and some of my colleagues' objections, our 10 concern about how this bill would affect our 11 constituents, I think at that point, if they weren't on 12 notice beforehand, they certainly were on notice at that 13 time. 14 Q. Do you believe that -- do you believe that the 15 Texas Legislature intended to harm Latino voters by 16 enacting SB 14? 17 A. Well, again, I can't tell you that the 18 legislature did that, because many voted against it. 19 So I can't say as a whole the legislature passed -- 20 intended to do that, because I voted against it, and 21 again, many of my colleagues voted against it. 22 Q. I understand. Do you contend that the members 23 of the Texas Legislature who voted for SB 14 voted for 24 the bill in order to harm Latino voters in Texas? 25 A. And again, I believe that they may not have</p>	35
<p>1 legislature -- back up a bit. 2 Do you contend that the legislature as a 3 whole passed Senate Bill 14 for the purpose of harming 4 African American voters in Texas? 5 A. Not as a whole, no. 6 Q. Okay. But you believe that maybe part of the 7 legislature, or certain legislators supported SB 14 for 8 the purpose of harming African American voters? 9 A. Well, I can't say that the legislators did that 10 purposefully. I just know that my position, my 11 contention is, is that the bill had that effect. 12 Q. Your contention is that SB 14 had the effect of 13 harming African American voters' ability to vote? 14 A. Yes, sir. 15 Q. Okay, but you don't contend that the bill was 16 passed for the purpose of harming African American 17 voters' ability to vote? 18 A. No, I do contend that. Yes, I do contend that. 19 Q. But you don't contend that that was the purpose 20 of the legislature of the whole to harm African American 21 voters? 22 A. Well, I can't say as a whole, because I didn't 23 vote for the bill, and I know many of my colleagues, at 24 least my Democratic colleagues didn't vote for the 25 bill. And that's why I can't say as a whole the</p>	34	<p>1 been some of their intent initially, but the -- I 2 believe when the bill passed, that was the intent of the 3 bill. 4 Q. Okay. So just to be clear, it's your 5 contention that the legislators who voted in favor of 6 SB 14 did so for the purpose of harming the ability of 7 African American and Hispanic Texans to vote? 8 A. Well, I think clearly the bill that was passed 9 had that effect. That's my contention is, the bill that 10 was passed had that effect and they were -- they were 11 the members that voted for that bill. 12 Q. Do you believe that any individual member of 13 the legislature who voted for SB 14 voted for the bill 14 specifically because they thought that it would 15 negatively affect Latino and African American voters and 16 they wanted it to have that effect? 17 A. I can't say that for certain, no. 18 Q. Can you identify any particular legislator who 19 supported SB 14 who you would contend supported the bill 20 in order to harm the voting rights of African American 21 or Hispanic Texans? 22 A. I can't individually, because I don't know what 23 they were thinking. But again, I would just submit that 24 they had to know of the effects of the bill, because we 25 made that clear to them, either on the Senate floor and</p>	36



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<p>1 I'm assuming on the House floor, the effects the bill 2 would have on our specific districts. 3 Q. To your knowledge, is there -- do you know of 4 any evidence that any member of the Texas Legislature 5 who voted for SB 14 did so because they understood that 6 the bill would negatively affect African American and 7 Latino voters and they wanted it to have that effect? 8 A. I guess the only evidence would be the 9 testimony from the legislators, like myself, advising 10 them that this bill would have a negative effect on our 11 districts and our constituency. 12 Q. So other than -- other than knowledge or 13 presumed knowledge of the effect of the bill, is there 14 any other basis for your contention that members of the 15 legislature voted for SB 14 for the purpose of harming 16 African American or Latino voters? 17 A. Well, other than the knowledge given to them by 18 their colleagues and myself, I don't know of any other 19 evidence that exists. I mean, it's on the record. I 20 believe it's probably in the journal. I don't know what 21 other knowledge they would need. 22 Q. And I understand that there was a lot of 23 testimony from several members of the legislature about 24 the potential effect of the bill. Do you think it's 25 possible that some of the members who supported SB 14</p>	37	<p>1 believed that those effects would happen, can you? 2 A. Oh, of course not. I can't -- 3 MR. GARZA: Objection, argumentative and 4 asked and answered. You can go ahead and answer. 5 A. Yeah, of course not. I can't get into their 6 head. 7 MR. FREDERICK: Chris, mark this as Uresti 8 Deposition <u>Exhibit 1</u>, please. 9 (Uresti <u>Exhibit 1</u> marked for 10 identification.) 11 MR. GEAR: Matthew, I don't know if you 12 wanted to put our appearances on the record. 13 MR. FREDERICK: Oh. 14 MR. GEAR: Because there's objections 15 and -- 16 MR. FREDERICK: Okay. Well, yeah, let's 17 go ahead and do before we get into the exhibit. 18 At this time, counsel has requested that 19 everyone put in an appearance for the record. I'll 20 start. I'm Matt Frederick. I'm appearing for the State 21 of Texas. 22 MR. GEAR: I'm Bruce Gear. I'm appearing 23 on behalf of Eric Holder, the Defendant. 24 MR. GARZA: Jose Garza appearing on behalf 25 of the defendant intervenors, the Mexican American</p>	39
<p>1 just disagreed with that testimony or didn't think it 2 would have the same effect? 3 A. Sure, of course. 4 Q. Okay. If a member just didn't agree or thought 5 -- didn't agree with the testimony that it would have a 6 negative effect on Latino or African American voters or 7 just sincerely believed that it would not have any 8 negative effect, would a vote in favor of the bill, 9 would that demonstrate a discriminatory purpose? 10 A. Well, I would be speculating when I answer that 11 question, but no one knows my district better than I, I 12 would submit. And when you have 75 percent that are 13 both African American and Hispanic, and I testified to 14 my colleagues this bill will have a discriminatory 15 effect on my constituents, I would think they'd give 16 great weight to that testimony. Of course, it's their 17 decision to disagree with me, but given what I know 18 about my district, having represented it for six years, 19 I believe a vote contrary would mean that they 20 understood the effects of the bill and notwithstanding 21 the negative consequences and effects of the bill, they 22 decided to vote in favor of that bill. 23 Q. And when you said they understood the effects 24 of the bill, you can't say for sure, as you sit here, 25 whether any individual member actually understood or</p>	38	<p>1 Legislative Caucus. 2 MR. MALDONADO: Roberto Maldonado 3 appearing on behalf of the deponent. 4 (BY MR. FREDERICK) Senator Uresti, just to be 5 clear, are you represented today by Mr. Garza? 6 A. No, sir. I'm represented by Roberto Maldonado. 7 Q. Thank you. If you would look at what's been 8 marked as Deposition <u>Exhibit 1</u>, please. Can you 9 identify what this document appears to be? 10 A. <u>Exhibit 1</u> appears to be Senate Journal, Monday, 11 dated Monday, May 9, 2011, from the 82nd Legislature. 12 Q. I'm going to give you another exhibit before we 13 get into that one. 14 If you'll mark this one, Chris, as Uresti 15 <u>Exhibit 2</u>, please. 16 (Uresti <u>Exhibit 2</u> marked for 17 identification.) 18 Q. (By MR. FREDERICK) Can you identify that 19 exhibit for the record, please? 20 A. <u>Exhibit 2</u> appears to be, again, from the Senate 21 Journal of the 82nd Legislature dated January 26, 2011. 22 Q. Thank you. If you'll turn, please, to the 23 second page of <u>Exhibit 2</u>, there -- a couple of lines 24 down from the top -- well, first, does this appear, the 25 top left, does this appear to be Page 146 of the</p>	40



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<p>1 journal?</p> <p>2 A. Yes, sir.</p> <p>3 Q. A couple of lines from the top, do you see</p> <p>4 where it says "Senate Bill 14 on the third reading"?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And do you see a few lines down, it recites</p> <p>7 that the bill was read -- read the third time and then</p> <p>8 passed by a vote of 19 in favor and 11 opposed?</p> <p>9 A. Correct.</p> <p>10 Q. I would like for you -- I'm going to hand you</p> <p>11 this pen, and I would like for you to circle the name of</p> <p>12 any of the legislators who voted in favor of this bill</p> <p>13 who you contend supported the bill in order to harm</p> <p>14 African American or Latino voters.</p> <p>15 A. Repeat your question.</p> <p>16 Q. Of course. I would like you to circle the name</p> <p>17 of any senator who voted in favor of the bill who you</p> <p>18 contend voted in favor of the bill to harm the ability</p> <p>19 of African American and Latino Texans to vote.</p> <p>20 A. Well, again, Counselor, my position is, it was</p> <p>21 the intent -- it was the effect of the bill, once it was</p> <p>22 passed, that had the intent to discourage or</p> <p>23 disenfranchise voters, specifically those of African</p> <p>24 American or Hispanic that live in my district. So I</p> <p>25 can't identify a particular senator. My position is</p>	41	<p>1 Q. Do you contend that any of the legislators who</p> <p>2 voted for SB 14 did so for the purpose of harming</p> <p>3 indigent voters?</p> <p>4 A. And again, my response would be similar to your</p> <p>5 previous questions in that it's the bill that had that</p> <p>6 effect on the indigent, and that would be my position.</p> <p>7 Q. So you couldn't identify any particular</p> <p>8 legislator who voted for SB 14 for the specific purpose</p> <p>9 of preventing indigent people from voting?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you believe that the members of legislature</p> <p>12 who voted for SB 14 did so in order to harm elderly</p> <p>13 people by preventing them from voting?</p> <p>14 A. And again, my response would be the same, which</p> <p>15 is that the bill had that effect of harming the elderly</p> <p>16 or preventing the elderly from voting.</p> <p>17 Q. So you couldn't identify a specific legislator</p> <p>18 who voted for SB 14 for the purpose of preventing</p> <p>19 elderly people from voting?</p> <p>20 A. No, sir.</p> <p>21 Q. Do you believe that the members of the</p> <p>22 legislature who voted for SB 14 did so in order to harm</p> <p>23 rural voters by preventing them from voting?</p> <p>24 A. And again, Counselor, my response would be the</p> <p>25 same, in that it was the bill, Senate Bill 14, that had</p>	43
<p>1 that it was the intent -- it was the effect of the bill,</p> <p>2 Senate Bill 14, that had that negative consequence.</p> <p>3 Q. Okay. So as you sit here today, you can't</p> <p>4 identify any specific senator who voted for SB 14 for</p> <p>5 the purpose of harming African American and Latino</p> <p>6 Texans' right to vote?</p> <p>7 A. It would be very difficult, because I can't get</p> <p>8 into their head and know what they were thinking when</p> <p>9 they voted.</p> <p>10 Q. So as you sit here today, you cannot identify</p> <p>11 any specific senator who voted for the bill to harm</p> <p>12 African American and Latino voters?</p> <p>13 A. That's correct.</p> <p>14 Q. Thank you.</p> <p>15 If I were to show you a list of members of</p> <p>16 the Texas House who voted in favor of SB 14, would you</p> <p>17 be able to identify any specific House member who you</p> <p>18 believe voted for SB 14 in order to harm African</p> <p>19 American and Latino Texans' right to vote?</p> <p>20 A. No, sir.</p> <p>21 Q. Thank you.</p> <p>22 Do you contend that the Texas Legislature</p> <p>23 intended to harm indigent voters by passing SB 14?</p> <p>24 A. And again, my response is not the whole</p> <p>25 legislature, because not all of us voted for the bill.</p>	42	<p>1 the effect on preventing rural voters from being able to</p> <p>2 vote.</p> <p>3 Q. So you can't identify any specific legislator</p> <p>4 who voted for SB 14 for the purpose of harming rural</p> <p>5 voters by preventing them from voting?</p> <p>6 A. No, sir.</p> <p>7 Q. So other than the potential effect of SB 14, is</p> <p>8 there any other evidence that you were aware of to</p> <p>9 support the contention that SB 14 was passed with a</p> <p>10 discriminatory purpose?</p> <p>11 MR. GARZA: Objection, calls for a legal</p> <p>12 conclusion.</p> <p>13 A. Can you repeat your question again, please?</p> <p>14 Q. (BY MR. FREDERICK) Of course. Other than the</p> <p>15 potential effect of SB 14 on voters in Texas, is there</p> <p>16 any other evidence on which you base your contention</p> <p>17 that the bill was passed with a discriminatory purpose?</p> <p>18 A. Not that I can think of, no.</p> <p>19 MR. FREDERICK: Do you mind if we take a</p> <p>20 five-minute break?</p> <p>21 MR. MALDONADO: Not at all.</p> <p>22 THE WITNESS: Perfect.</p> <p>23 (Recess from 10:38 a.m. to 10:47 a.m.)</p> <p>24 MR. FREDERICK: Mark that as <u>Exhibit 3</u>.</p> <p>25 (Exhibit 3 marked for identification.)</p>	44



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1 Q. (By Mr. Frederick) Senator, the court reporter 2 has handed you what's been marked as Deposition 3 <u>Exhibit 3</u> . If you'll turn to the second page, if you 4 can identify this document, please. And please take 5 your time to look it over. 6 A. This appears -- Counselor, this appears to be a 7 declaration of Carlos Uresti, myself, and it's dated 8 April 9, 2012. 9 Q. Does this appear to be a true and correct copy 10 of the declaration that you provided to the Department 11 of Justice in this lawsuit? 12 A. Yes, sir. 13 Q. Who wrote this declaration? 14 A. I did. 15 Q. Did anyone at the Department of Justice provide 16 comments on the substance of this declaration? 17 A. Not that I can recall. 18 Q. Did anyone at the Department of Justice make 19 edits or changes to the declaration after you had 20 written it? 21 A. No, sir. 22 Q. Did anyone else assist you in writing this 23 declaration? 24 A. No, sir. And let me clarify that. I may have 25 asked my staff for specific data like the bill number,	45	1 Q. And did the substance of that conversation 2 include the declaration that you had been asked to 3 draft? 4 A. If you're asking me if they asked me to prepare 5 an affidavit or declaration, yes, that's correct. 6 Q. What else did they -- what else did you discuss 7 related to the affidavit with the Department of Justice 8 before you wrote the affidavit? 9 A. That's pretty much it. 10 Q. Did the Department of Justice tell you that 11 they wanted you to include anything specific in that 12 affidavit? 13 A. I think it was the conversation was more about 14 be as specific as you can be. But again, I don't 15 remember exactly that conversation. 16 Q. Before that conversation about your -- about 17 this affidavit, which was in -- sometime in March or 18 April of 2012; is that right? 19 A. Yes, sir. 20 Q. Before that conversation, had you had a 21 conversation with the Department of Justice? 22 A. Not that I can recall. I don't think I've ever 23 spoken to them before. 24 Q. The Department of Justice didn't call you to 25 ask about Senate Bill 14 during the administrative	47
1 et cetera, but as far as writing it, no. 2 Q. Okay. So your staff may have helped you find 3 some of the information, right? 4 A. Yes, sir. 5 Q. But you actually did the writing? 6 A. Yes, sir. 7 Q. Is it correct that the Department of Justice 8 asked you to provide a declaration for this lawsuit? 9 A. Yes, sir. 10 Q. When was that request made, to the extent that 11 you can recall? 12 A. Again, well, obviously, it was before April the 13 9th, somewhere between March and April. 14 Q. How was that request communicated to you from 15 the Department of Justice? 16 A. I think they called my office, my office called 17 me, and then I contacted the Department of Justice. I 18 believe that's how it worked. 19 Q. Did you discuss an affidavit with the 20 Department of Justice before you drafted this affidavit? 21 A. I don't understand your question. 22 Q. Sure. Is it accurate that you had a 23 conversation with someone at the Department of Justice 24 before you actually drafted this declaration? 25 A. Yes, sir.	46	1 preclearance process? 2 A. They never spoke to me. I don't think they 3 ever spoke to my office. 4 Q. So moving back to the conversation that you had 5 with the Department of Justice about your affidavit, in 6 that conversation, did the Department of Justice ask you 7 if you believed that Senate Bill 14 would have a 8 discriminatory effect? 9 A. I don't -- I really don't recall if they asked 10 me that specific question or not. 11 Q. Do you recall if you told them that you 12 believed that Senate Bill 14 would have a discriminatory 13 effect? 14 A. I honestly don't recall. 15 Q. Do you recall -- 16 A. What I was going to say is -- this is a side 17 matter. There was another bill that I was working on. 18 It was a local San Antonio bill called "BexarMet Water 19 District Bill." Bexar Metropolitan Water District 20 Bill. That bill required clearance -- preclearance by 21 the Department of Justice, coincidentally. Had nothing 22 to do with this bill specifically, but because it had to 23 do with voting rights, the Voting Rights Act, it had to 24 be precleared. 25 So I had other conversations not related	48



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<p>1 to Senate Bill 14 with the Department of Justice, 2 coincidentally, so that's why I'm a little -- trying to 3 make sure I remembered those conversations. 4 Q. I understand. Thank you. And BexarMet Water 5 District, that's Bexar County, right? 6 A. Yes, sir. 7 Q. Which includes San Antonio? 8 A. Yes, sir. 9 Q. And that's B-e-x-a-r? 10 A. Thank you. B-e-x-a-r. And most of the Bexar 11 Metropolitan Water District is within my senate district 12 as well. 13 Q. In the conversation or conversations you had 14 with the Department of Justice about the BexarMet Water 15 District Bill, was Senate Bill 14 ever mentioned in 16 those conversations? 17 A. No, sir. 18 Q. I appreciate you clarifying that. 19 A. Yes, sir. 20 Q. How many conversations did you have with the 21 Department of Justice about the declaration that you 22 provided in this lawsuit? 23 A. I think two. 24 Q. How long did each of those conversations last? 25 A. I'm guessing the first one might have lasted</p>	49	<p>1 to anyone else. 2 Q. So after you spoke to the Department of Justice 3 for the first time, you drafted the declaration; is that 4 right? 5 A. Yes, sir. 6 Q. And did you provide that draft to the 7 Department of Justice? 8 A. I believe so. 9 Q. Did you -- after you submitted or provided a 10 draft of your declaration, did you discuss your 11 declaration again with the Department of Justice? 12 A. We reviewed it together, yes. 13 Q. Were any changes made after you reviewed or 14 discussed the department of -- your declaration, excuse 15 me, with the Department of Justice? 16 A. I believe the only changes I made were typos 17 that I had made in my affidavit. 18 Q. Do you know why the Department of Justice asked 19 you to provide an affidavit in this case? 20 A. I can only assume because they were objecting 21 to the bill. 22 Q. Did anybody from the Department of Justice ever 23 tell you why they wanted you to provide an affidavit? 24 A. I assumed they were asking everybody, quite 25 frankly. I say "everyone," all the Democratic senators</p>	51
<p>1 five minutes or so. I really don't recall. And then 2 the second one was probably maybe 10 minutes. There 3 might have been a third one. And if there was a third 4 one, you know, probably along the same lines, 5 to 10 5 minutes. 6 Q. Just so I'm clear, so the Department of Justice 7 asked you to provide a declaration in this lawsuit, 8 right? 9 A. Yes, sir. 10 Q. And you had a conversation sometime in March or 11 April of 2012, you think, about providing that 12 declaration? 13 A. Yes, sir. 14 Q. And that -- was that conversation by telephone? 15 A. Yes, sir. 16 Q. And I think that you testified earlier, but was 17 it Mr. Gear that you spoke to at the Department of 18 Justice? 19 A. Initially, I really don't recall if that was 20 the first person I communicated with. I don't remember. 21 Q. Is -- do you recall, other than Mr. Gear, any 22 other specific individual at the Department of Justice 23 with whom you spoke about SB 14? 24 A. Other than the first conversation, because I 25 don't recall who that was, no, I don't believe I spoke</p>	50	<p>1 that opposed it. I never asked that question. 2 Q. And nobody ever told you why, specifically, 3 they wanted you to provide an affidavit? 4 A. No, sir. 5 Q. Did anyone outside the Department of Justice 6 ever tell you why the Department of Justice wanted you 7 to provide an affidavit in this case? 8 A. No, sir. 9 Q. And you said that there were -- you had two 10 phone conversations about your affidavit. Do you recall 11 any other conversations by phone or in person with the 12 Department of Justice in this case? 13 A. We never met in person, and there may have 14 been, again, a third one that followed. 15 Q. Okay. So after your second conversation when 16 you discussed the affidavit itself, did the Department 17 of Justice then provide you with an affidavit to sign? 18 A. I prepared the affidavit. 19 Q. Oh, okay. So after you had the second 20 conversation, then you finalized the affidavit, signed 21 it, and sent it to the Department of Justice; is that 22 right? 23 A. Yes, sir. I signed it and I had it notarized 24 in my office and then sent it off. 25 Q. And this shows that you signed it and swore to</p>	52



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<p>1 it on April 9th, 2012?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Other than the Department of Justice and</p> <p>4 possibly members of your staff, did you discuss this</p> <p>5 affidavit with anyone else?</p> <p>6 A. Never.</p> <p>7 Q. Sitting here today, is there anything in this</p> <p>8 affidavit that you would like to change or clarify? And</p> <p>9 please take your time.</p> <p>10 A. On page -- I guess it's -- it says Page 3 of 5</p> <p>11 at the top.</p> <p>12 Q. Okay.</p> <p>13 A. Paragraph 6.</p> <p>14 Q. Yes.</p> <p>15 A. The last sentence of the paragraph reads: "I</p> <p>16 also called the offices of Senator Jane Nelson and</p> <p>17 Senator Tommy Williams to inform them that I would be</p> <p>18 arriving late because of my illness." It should be</p> <p>19 Senator Kim Brimer instead of Tommy Williams.</p> <p>20 Q. Okay.</p> <p>21 A. And the reason I made that mistake is because</p> <p>22 both of them were chairs of the administrative --</p> <p>23 Administration Committee, and I was the vice chair. And</p> <p>24 I just thought it was Tommy. It was Kim Brimer.</p> <p>25 Q. And this was in 2007?</p>	53	<p>1 passed the House?</p> <p>2 A. Yes, sir.</p> <p>3 Q. But then, obviously, it did not pass the</p> <p>4 Senate, right?</p> <p>5 A. It didn't pass the Senate. I'm assuming it did</p> <p>6 pass the House to come over.</p> <p>7 Q. Okay. In the Senate, who sets the -- who sets</p> <p>8 the Senate calendar?</p> <p>9 A. The Lieutenant Governor.</p> <p>10 Q. Lieutenant Governor. So there's no calendar</p> <p>11 committee in the Senate?</p> <p>12 A. No, sir. It's not like in the House where they</p> <p>13 have their own House Calendars Committee that determines</p> <p>14 what bills come to the Floor. In the Senate, it's --</p> <p>15 there's no such committee, and the Lieutenant Governor,</p> <p>16 as presiding officer, dictates the calendar.</p> <p>17 Q. So what would be required to change the Senate</p> <p>18 calendar?</p> <p>19 A. Well, to bring a bill up, we have, like in this</p> <p>20 case, the two-third -- I say "this case," Senate Bill</p> <p>21 14, you have the two-thirds rule, which requires</p> <p>22 two-thirds of the senators to agree to bring up any</p> <p>23 particular bill before it can be heard. But that's only</p> <p>24 after the Lieutenant Governor determines that a</p> <p>25 particular bill is going to be called. So as the</p>	55
<p>1 A. Correct.</p> <p>2 Q. Okay. So in Paragraph 6, then, rather than "I</p> <p>3 also called the office of Senator Jane Nelson and</p> <p>4 Senator Tommy Williams," it should say "Senator Jane</p> <p>5 Nelson and Senator Kim Brimer," right?</p> <p>6 A. Correct.</p> <p>7 Q. And I'll give you time. Is there anything else</p> <p>8 that you would like to change or clarify?</p> <p>9 A. As far as the substance is concerned, no. I</p> <p>10 see a few typos but nothing else.</p> <p>11 Q. All right. Thank you. I'd like to -- on Page</p> <p>12 3, if you could direct your attention to Paragraph 7?</p> <p>13 A. Okay.</p> <p>14 Q. And it looks like this is a discussion about a</p> <p>15 vote on House Bill 218; is that right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And the House Bill 218 was -- that was a photo</p> <p>18 ID bill that was considered in 2007 by the legislature;</p> <p>19 is that right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And that bill, that bill didn't get passed by</p> <p>22 the legislature, did it?</p> <p>23 A. No, sir.</p> <p>24 Q. And I guess the fact that that bill was a House</p> <p>25 bill that came to the Senate, does that mean that it</p>	54	<p>1 presiding officer, he still has that power.</p> <p>2 Q. I see.</p> <p>3 A. So in order to change it, a majority of members</p> <p>4 can make that decision as they did with Senate Bill 14.</p> <p>5 Q. So is it accurate to say that once a -- once a</p> <p>6 bill has been put on calendar or allowed to go to the</p> <p>7 calendar by the Lieutenant Governor, it's the members</p> <p>8 that decide the order the bills get considered in?</p> <p>9 A. No.</p> <p>10 Q. No?</p> <p>11 A. No.</p> <p>12 Q. How does -- how is the order in which bills get</p> <p>13 considered determined?</p> <p>14 A. The Lieutenant Governor ultimately makes that</p> <p>15 decision. There can be a bill on the calendar that</p> <p>16 could sit there for two weeks, and then the Lieutenant</p> <p>17 Governor makes the final decision which bill is going to</p> <p>18 be called up and when.</p> <p>19 Q. I see. So the Lieutenant Governor, for lack of</p> <p>20 a better word, decides to bring up a bill; is that</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And then at that point, is when under customary</p> <p>24 procedures, the senators would vote to determine whether</p> <p>25 that bill gets considered?</p>	56



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1 A. Exactly. 2 Q. Now, the requirement of two-thirds, or the 3 two-thirds vote by senators, does that appear in the 4 Senate rules? 5 A. It's a -- it's a -- well, the first day the 6 session, the senators caucus, and we vote on our 7 rules. And as far as I can recall, other than Senate 8 Bill 14, the rules have always required two-thirds, a 9 two-thirds vote before a bill comes up to be voted on, 10 on the Senate floor. 11 Q. Is it customary in the Senate to have what I 12 think is sometimes referred to as a "blocker bill"?13 A. Yes, sir. 14 Q. Can you tell me your understanding of what the 15 blocker bill is? 16 A. The blocker bill is -- is a bill that's usually 17 not of great importance, I suppose, and it's placed on 18 the calendar to essentially support the whole two-thirds 19 concept. So in other words, before a bill can be taken 20 out of the regular order of business, which means taken 21 around the blocker bill, you must have two-thirds of the 22 senators agree to take up that bill. And that's 23 primarily the purpose of the blocker bill. 24 Q. So is it accurate to say then that, again, for 25 lack of a better word, it's kind of a -- there's a line;	57	1 A. Well, generally, but it doesn't always work 2 that way. Again, it depends on when the Lieutenant 3 Governor decides to bring up your bill. So there's not 4 a specific line where you can say, "Okay. I'm Number 5 3." 6 Q. Okay. 7 A. It's not that way. You might think you're 8 Number 3, but it may be, for whatever reason, if the 9 presiding officer determines he's not ready to call up 10 your bill, then the bill doesn't get called up. 11 Q. Okay. If for whatever reason there were not a 12 blocker bill in place and so -- if there weren't a 13 blocker bill in place at all, then would bills generally 14 be considered in the regular order of business? 15 A. I wouldn't know. I don't think that's been 16 done in decades. 17 Q. As far as the order of bills, other than the 18 blocker bill, would the Lieutenant Governor have the 19 ability to change the order of bills that were up for 20 consideration? 21 A. Can you rephrase? 22 Q. Does that make sense? 23 A. No. 24 Q. Let me see if I can ask it more clearly. 25 If there were certain bills that -- that	59
1 there's a bill that's first in line and then bills 2 behind it in line? 3 A. Yes. 4 Q. Is that fair? 5 A. Yes. 6 Q. And the custom in the Senate is to have a 7 blocker bill that sits at the head of the line; is that 8 right? 9 A. Yes, sir. 10 Q. And the understanding is that that blocker bill 11 is not actually going to get passed, right? 12 A. Eventually, it might, but it would -- usually 13 it's not until the end of the session, if at all. 14 Q. Okay. So at least the expectation, generally, 15 is that that bill will -- it will either not move at all 16 or it will move very late; is that right? 17 A. Yes, sir. 18 Q. Okay. And so the fact that there's a bill at 19 the head of the line means that to consider any other 20 bill behind it, the Senate has to suspend the regular 21 order of business; is that right? 22 A. Yes, sir. 23 Q. Because in the regular order of business, bills 24 would just be considered in whatever order they are in 25 the line; is that right?	58	1 were up for consideration, let's say they were behind 2 the blocker bill, would the Lieutenant Governor have the 3 ability to take a new bill and say this bill is now 4 going to be first in line for consideration behind the 5 blocker bill even though these 10 or 20 other bills were 6 already sitting there? 7 A. Yes, because he did that on House Bill 218. 8 Now it would require the -- in that 9 situation, the two-thirds rule, so two-thirds of the 10 senators present and voting would have to agree to bring 11 up the bill. But he could call up any bill that's on 12 the calendar. We're taking up bill, House Bill 214, for 13 example, or Senate Bill 14. 14 Q. Okay. 15 A. Generally, you need the two-thirds rule except 16 this last session when that was waived for that bill 17 specifically. 18 Q. Right. 19 A. Does that make sense? 20 Q. I do, yes. I think so. So I've been talking 21 about kind of a line and an order of bills, but it 22 sounds like, in a sense, that's not really how it works, 23 because the Lieutenant Governor just calls a bill 24 regardless of where it might be in the line; is that 25 right?	60



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61	63
<p>1 A. Exactly. Exactly.</p> <p>2 Q. Do the Senate rules require that all members be</p> <p>3 present in order to vote on a bill?</p> <p>4 A. Not all members. Can you rephrase your</p> <p>5 question? Because the way -- all members don't have to</p> <p>6 be present for us to vote on a bill. A member has to be</p> <p>7 present to vote on a bill.</p> <p>8 Q. Okay. So the fact that three, four members</p> <p>9 aren't there for the vote does not prevent the Senate</p> <p>10 from voting on a bill; is that right?</p> <p>11 A. Assuming there's a quorum.</p> <p>12 Q. I see. So there has to be a quorum for the</p> <p>13 Senate to vote on a bill; is that right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. But assuming there is a quorum, the fact that</p> <p>16 one or more senators are not present does not prevent</p> <p>17 the Senate from voting?</p> <p>18 A. Yes, sir, that's correct.</p> <p>19 Q. Unless, of course, that enough are gone to</p> <p>20 break the quorum, right?</p> <p>21 A. Correct.</p> <p>22 Q. Do the Senate rules require all members to be</p> <p>23 present in order to suspend the regular order of</p> <p>24 business?</p> <p>25 A. No, sir.</p>	<p>1 Q. Can you recall -- can you recall any other time</p> <p>2 during your membership in the Senate when a bill was</p> <p>3 passed without the presence of all members?</p> <p>4 A. Sure. It's done all the time.</p> <p>5 Q. Can you recall any other instance, besides the</p> <p>6 one you described here in Paragraph 6, when a bill was</p> <p>7 moved up or taken out of order for a vote while a member</p> <p>8 was gone?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall any specific bills?</p> <p>11 A. I can't recall a specific bill, no. But again,</p> <p>12 I can never recall -- I can't recall any situation where</p> <p>13 a bill was taken up before we do the resolutions, you</p> <p>14 know, the bringing the folks on to the Senate floor,</p> <p>15 acknowledging them, et cetera.</p> <p>16 Q. I see. Do you recall on the day in the 2007</p> <p>17 session when -- that you described in Paragraph 6, when</p> <p>18 HB 218 was voted on, were there any other members who</p> <p>19 were not present for that vote?</p> <p>20 A. The first vote that was taken on House Bill</p> <p>21 218, from what I recall, Dean Whitmire, John Whitmire,</p> <p>22 was -- had been on the Floor, but I believe he was on</p> <p>23 the House floor at the time. Senator Heger, I think</p> <p>24 also was on the House floor. And that's all I can</p> <p>25 recall as far as those that were absent.</p>
62	64



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65	67
<p>1 cetera. Senator Whitmire objected to the first vote 2 based on those reasons, and the Lieutenant Governor 3 called for a second vote. So I wasn't present during 4 most of the second vote. I appeared moments -- seconds 5 before my name was called.</p> <p>6 Q. So Senator Whitmire, if I understand you 7 correctly, he objected because he had checked in and 8 then left, but a vote was called in his absence, even 9 though he had checked in?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know -- and I understand you weren't 12 there at the time, but do you know whether or not 13 Senator Whitmire specifically objected to the vote on HB 14 218 based on the fact that you were not present?</p> <p>15 A. I don't know.</p> <p>16 Q. You mentioned that the secretary often knows 17 how members will vote. Do members of the Senate ever 18 ask the secretary in advance to put them down for a 19 vote, one way or the other, on a bill that they know 20 will be coming up?</p> <p>21 A. Some senators do that.</p> <p>22 Q. Do senators ever -- ever ask other senators to 23 vote for them on a specific bill, like vote for them one 24 way or the other on a bill?</p> <p>25 A. Well, in the Senate, it's different, done</p>	<p>1 call the roll, you'll understand that before she 2 finishes the roll call, halfway before she finishes the 3 roll call, the presiding officer is gaveling.</p> <p>4 Q. Okay. But in any event, you don't vote in the 5 Senate by pressing a button on your desk.</p> <p>6 A. No, sir, you don't.</p> <p>7 Q. Okay. At the time that you described -- the 8 time during the 2007 session that you're describing in 9 here in Paragraphs 6 through 9, were you aware that HB 10 218 might come up for consideration?</p> <p>11 A. That morning? No, I was not.</p> <p>12 Q. Did you anticipate that it would come up that 13 day?</p> <p>14 A. No, sir, because they did not have the votes to 15 pass that bill. The purpose of my call was out of 16 courtesy, because I sit on two different committees that 17 meet early in the morning, and I thought it was the 18 senatorial thing to do, which was to call the chairman, 19 chairpersons of the different committees to let them 20 know that I would be absent for those committees early 21 in the morning. And the secretary of the Senate, as 22 well, that I would be absent during the resolutions, but 23 I would be present for regular order of business when it 24 came -- when it did come to be. But there was no reason 25 for us to believe that House Bill 218 was going to come</p>



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1 (Recess from 11:25 a.m. to 11:34 a.m.) 2 Q. (BY MR. FREDERICK) Senator, I'd like to move to 3 the next page of your declaration, Paragraph 13. It 4 says "During the Senate's consideration of SB 14, I 5 testified that SB 14 would have a disproportionate 6 effect on minority voters in Senate District 19 and the 7 State of Texas as a whole." Is that accurate? 8 A. Yes, sir. 9 Q. And that's your -- that's your position today, 10 is that Senate Bill 14, in your understanding, will have 11 a disproportionate effect on minority voters, both in 12 your district and in the state as a whole, right? 13 A. Yes, sir. 14 Q. Do you recall -- do you recall what the 15 specific testimony was that you refer to here in 16 Paragraph 13? 17 A. Well, generally, I recall. Again, it's been 18 over a year. But I -- I touched on the fact that my 19 district is the largest geographical district in the 20 continental U.S., have almost or part of 23 counties, 21 50,000 square miles. There's 23 counties. Of the 23 22 counties, that about 8 of them or so either had no DPS 23 office, Department of Public Safety office or had 24 limited hours. I think that was the thrust of my 25 argument.	69	1 A. 1989. 2 Q. And you've had -- is the ID you have now, is 3 the same one you had when you left active duty in '89? 4 A. That's the one they issued me, yes. 5 Q. Do you know whether it would be possible, if 6 you wanted to, or needed to, for you to get a new ID 7 from the military with your photo on it? 8 A. I don't know. I never tried. I never tried 9 since I was told that ID was good forever. 10 Q. Is it your understanding that all military IDs 11 are good forever? 12 A. I don't know. 13 Q. If you lost your military ID and needed to get 14 a new one, for any reason, how would you do that? 15 A. I was told "Don't ever lose your military ID, 16 Marine," so I wouldn't know the process. 17 Q. Okay. So you've never -- you, personally, have 18 never had to replace your military ID? 19 A. No, sir. 20 Q. And you're not aware of what would be required 21 to replace a military ID? 22 A. No, sir. 23 Q. You're not aware of what would be required if 24 you wanted to get a new one, say, with your picture on 25 it?	71
1 Q. And by "disproportionate effect," did you mean 2 that minority voters in your district and in the state 3 would be less likely to possess the ID required by SB 4 14? 5 A. Yes, sir. 6 Q. How -- how do you know that minority voters in 7 your district are less likely to have the ID required by 8 SB 14? 9 A. Well, I know that a majority of my folks are 10 poor. They're working class. Very few of them have 11 probably traveled outside the country, and therefore, 12 obtained a passport. As far as a military ID, I have a 13 military ID from when I left the Marine Corps that does 14 not have a photo ID on it. Although, it's good forever, 15 doesn't have a photo. So many of my, as you know, my 16 constituents were former military. And again, given the 17 district, the vast -- geographically, the distance 18 between the towns, I believe that it will have that 19 disproportionate effect on my constituents. Also given 20 the fact that 75 percent of them or so are either 21 African American or Hispanic. 22 Q. So you say you have a military ID from your 23 service? 24 A. That does not have a photo ID on it. 25 Q. Okay. When did you leave the active service?	70	1 A. No, sir. 2 Q. Have you conducted any studies of ID possession 3 by voters in your district? 4 A. No, sir. 5 Q. Have you seen any studies of ID possession by 6 voters in your district? 7 A. No, sir. 8 Q. Have you conducted any survey of your 9 constituents to see how many of them possess the ID 10 required by SB 14? 11 A. No, sir. 12 Q. Are you aware of any survey of your 13 constituents to see who possesses or how many possess 14 the ID required by SB 14? 15 A. No, sir. 16 Q. Have you or your staff conducted any informal 17 polls of constituents to see how many possess the ID 18 required by SB 14? 19 A. Not that I'm aware of. 20 Q. Do you know how many of your constituents lack 21 the -- one of the forms of ID required by SB 14? 22 A. I don't know the exact amount, but I would 23 imagine many lack several of those specific forms of 24 ID. My mother is a perfect example. 25 Q. And so you say you imagine many lack several of	72



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June 11, 2012

<p>1 the forms. Is that -- is that a conclusion that you 2 draw from the rates of poverty and the number of elderly 3 people and the number the minority voters in your 4 district?</p> <p>5 A. It's from knowing my district and for the 6 reasons, the examples you just gave. And again, using 7 my mom as a perfect example. She never had a passport. 8 Her driver's license had expired because she didn't 9 drive. She was home on hospice. And was never in the 10 military. So would not have been able to vote. She 11 would not have met any of those five exceptions. She 12 didn't carry a gun. She didn't have a concealed 13 handgun. I should say a concealed handgun license.</p> <p>14 Q. And she was registered to vote?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And did she vote?</p> <p>17 A. She voted for me. The most recent time would 18 have been November I believe of 2010.</p> <p>19 Q. To the best of your recollection, did your 20 mother typically vote in person?</p> <p>21 A. Yes, sir. She did until she was sent home on 22 hospice.</p> <p>23 Q. Do you know how many of your constituents do 24 not have a driver's license?</p> <p>25 A. I don't know.</p>	<p>73</p> <p>1 A. I don't know offhand, but I can think of many 2 that don't have several of them. I don't know how many 3 of my constituents are driving around without a -- an 4 expired driver's license, for example. But I know many 5 of them that don't have military IDs, that don't have 6 passports, that don't have a certification of U.S. 7 citizenship, and they don't have a concealed handgun 8 license. I know many of those folks.</p> <p>9 Q. Can you think of the name of any particular 10 constituent who does not have at least one of the IDs 11 required which SB 14?</p> <p>12 A. Well, no, again, because I don't know how many 13 of them may have an expired driver's license. Or may 14 not have, simply, have a valid Texas ID license. They 15 may not have ever gone to get a Texas ID license -- or 16 Texas ID, rather.</p> <p>17 Q. So as you sit here, you can't identify any 18 specific registered voter in your district who does not 19 have at least one of the forms of ID required by SB 14?</p> <p>20 A. Well, other than my mother when she was alive.</p> <p>21 Q. But other than that, no individuals that you 22 can identify?</p> <p>23 A. Not by name.</p> <p>24 Q. Can you identify any individual constituent 25 who -- of yours, who does not have the documentation</p>
<p>1 Q. Do you know how many of your constituents do 2 not have either a driver's license or a state-issued 3 personal ID card?</p> <p>4 A. Well, I assume you're talking about those that 5 are of any particular age. I don't know. We're talking 6 about 800,000 people. So I don't know the answer to 7 your question.</p> <p>8 Q. Do you know how many of your constituents have 9 a concealed handgun license?</p> <p>10 A. No, sir.</p> <p>11 Q. Do you know how many of your constituents have 12 a passport?</p> <p>13 A. No, sir.</p> <p>14 Q. Do you know how many of your constituents have 15 a military ID card?</p> <p>16 A. No, sir.</p> <p>17 Q. Can you identify any individual constituent who 18 does not have the identification required by Senate Bill 19 14?</p> <p>20 A. My mother was -- is the best example.</p> <p>21 Q. Can you identify any other individual, besides 22 your mother, who does not have one of the IDs required 23 by SB 14?</p> <p>24 A. That does not have at least one of them?</p> <p>25 Q. Yes, that does not have at least one.</p>	<p>74</p> <p>1 that would be necessary to get one of the IDs required 2 by SB 14?</p> <p>3 A. That's impossible to do.</p> <p>4 Q. So the answer is no, you can't identify any 5 specific person?</p> <p>6 A. Correct. I can't identify any specific person 7 because it's impossible.</p> <p>8 Q. Do you know how many registered voters in Texas 9 do not have at least one of the forms of ID required by 10 SB 14?</p> <p>11 A. I don't, but I would hope the Secretary of 12 State would know that, because I don't.</p> <p>13 Q. So you -- so you can't -- well, scratch that. 14 Can you identify any particular registered 15 voter in Texas who does not have at least one of the 16 forms of ID required by SB 14?</p> <p>17 A. I can't. I would defer to the Secretary of 18 State's Office.</p> <p>19 Q. Do you know how many Texas registered voters 20 lack documents necessary to get a state-issued photo ID?</p> <p>21 A. I have no idea. I doubt anybody in Texas knows 22 the answer to that question.</p> <p>23 Q. Can you identify any particular registered 24 voter who does not have the documentation necessary to 25 get a state-issued photo ID SB 14?</p>



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<p>1 A. I have no idea.</p> <p>2 Q. Are you familiar with the levels of photo ID</p> <p>3 possession by registered voters in Texas, and by</p> <p>4 "levels," I mean the percentage of voters from different</p> <p>5 groups who have the kinds of photo IDs required by SB</p> <p>6 14?</p> <p>7 A. No, not specifically.</p> <p>8 Q. You don't -- you don't know how -- what</p> <p>9 percentage of African American voters have one of the</p> <p>10 IDs required by SB 14?</p> <p>11 A. No. Generally, I do know that African</p> <p>12 Americans and Hispanics tend to not have the proper</p> <p>13 photo identification required by SB 14, and the elderly</p> <p>14 and disabled, as well, but specific numbers, I don't</p> <p>15 have that.</p> <p>16 Q. So you don't have a percentage for African</p> <p>17 American or Anglo or Asian American or Hispanic voters?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. You say that you're aware that African</p> <p>20 American and Hispanic voters, I'm paraphrasing, I don't</p> <p>21 want to misquote you. It's your understanding that</p> <p>22 African American and Hispanic voters tend not to have</p> <p>23 the photo IDs required by SB 14; is that right?</p> <p>24 A. I know that for a fact.</p> <p>25 Q. How do you know that?</p>	77	<p>1 A. I'm sorry. Say that again?</p> <p>2 Q. Of course. The individuals that you mentioned</p> <p>3 who you believe wouldn't have a photo ID, do you believe</p> <p>4 that most of those individuals were elderly or disabled?</p> <p>5 A. Yes. And of either Hispanic or African</p> <p>6 American, given my district.</p> <p>7 Q. You said you were a House member representing</p> <p>8 District 118; is that right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And is -- 118 is in Bexar County, right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Was it -- when you represented the district,</p> <p>13 was it completely within Bexar County?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Other than your experience as a legislator,</p> <p>16 block walking, talking to constituents, is there any</p> <p>17 other specific basis for your belief that African</p> <p>18 American and Hispanic voters are less likely to possess</p> <p>19 the ID required by SB 14?</p> <p>20 A. I can't think of a better way of knowing that</p> <p>21 than actually talking to the folks. That's all I have.</p> <p>22 Q. Is it your understanding that the elderly and</p> <p>23 disabled voters may be qualified to cast mail-in or</p> <p>24 absentee ballots in Texas?</p> <p>25 A. They might be qualified, yes.</p>	79
<p>1 A. Well, I've been a legislator for 15 years.</p> <p>2 I've block-walked my neighborhood many, many times. And</p> <p>3 I have individually spoken to constituents that proudly</p> <p>4 hold up their voter registration card. Some of them</p> <p>5 still call it a "poll tax." And that they say,</p> <p>6 "Mr. Uresti, I have my poll tax." These are</p> <p>7 individuals, typically, they're elderly, they're</p> <p>8 Hispanic, they're African American. They may be</p> <p>9 homebound. They may be in a wheel chair. They don't</p> <p>10 drive. They don't travel. So I know for a fact that</p> <p>11 they don't have a driver's license. I know for a fact,</p> <p>12 as in my mom's case, that they don't drive. They don't</p> <p>13 have a passport. They don't carry a concealed handgun.</p> <p>14 So I know for a fact, based on</p> <p>15 representing this district, the Senate District 19 for</p> <p>16 six years, and as a state representative, District 118</p> <p>17 for nine years, because I have individually spoken to</p> <p>18 many of these folks. That's how I know.</p> <p>19 Q. And those individuals that you have spoken to</p> <p>20 in your experience as a legislator, you mentioned that</p> <p>21 many of them were elderly or disabled; is that right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Would you say that most of those individuals</p> <p>24 that you were referring to who you think don't have</p> <p>25 photo ID are elderly or disabled?</p>	78	<p>1 Q. So it's possible that an elderly or disabled</p> <p>2 person, even if he or she did not have the ID required</p> <p>3 by SB 14, might still be able to cast a regular ballot</p> <p>4 by mail?</p> <p>5 A. They might be able to if they're aware of that,</p> <p>6 one. And then two, as you know, Counselor, many -- at</p> <p>7 least my voters prefer to vote in person. They want to</p> <p>8 feel that their vote is counted for and may not trust</p> <p>9 the mail-in process.</p> <p>10 Q. If a voter for whatever reason lacks the ID</p> <p>11 required to vote in person by SB 14 but could still cast</p> <p>12 a ballot by mail, in your mind, would that voter's --</p> <p>13 would that voter be disenfranchised or denied the right</p> <p>14 to vote by SB 14?</p> <p>15 A. If they were allowed and able to vote by mail?</p> <p>16 Well, assuming they voted by mail, then I don't see how</p> <p>17 they were disenfranchised, if they actually voted.</p> <p>18 Q. Are you familiar with the levels or percentages</p> <p>19 of photo ID possession by voters in Georgia?</p> <p>20 A. No, sir.</p> <p>21 Q. Are you familiar with the levels of photo ID</p> <p>22 possession by voters in Indiana?</p> <p>23 A. Probably as much as they are as familiar with</p> <p>24 Texas. No, sir, I don't.</p> <p>25 Q. Okay. Going back to the voters who you've</p>	80



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<p>1 spoken to over the years, can you remember any of those 2 voters by name? 3 I'm sorry. Let me clarify. The voters 4 you've spoken to over the years, can you recall by name 5 any of the voters who you believe did not have a photo 6 ID that would be required under SB 14? 7 A. Well, I can assume Ms. Lois Luke, perhaps, 8 Mrs. Rodriguez, Mr. Albert. I mean, there are so many. 9 Those are -- I think of an elderly, disabled, Anglo 10 woman, Ms. Luke. Mr. Albert was an African American, 11 wheelchair bound. Mrs. Rodriguez, I recall, was a lady 12 that held up her voter registration card who said "I've 13 got my tax, Mr. Uresti." So those are the first three 14 that just pop in my head. 15 Q. And Ms. Luke was Lois Luke? 16 A. Correct. 17 Q. Do you recall Ms. Rodriguez's first name? 18 A. No, I don't. There's a lot of Rodriguezes in 19 my district. 20 Q. Right. What about Mr. Albert, do you recall 21 his first name? 22 A. No, sir. 23 Q. And to your recollection, were Ms. Luke, 24 Ms. Rodriguez and Mr. Albert all elderly individuals? 25 A. Yes, sir. And Mr. Albert, that actually might</p>	<p>81 A. Yes, sir. 2 Q. How many of the counties in your district are 3 -- would you consider to be poor counties? 4 A. All of them. 5 Q. All of them. 6 A. I have, I believe, it's the third poorest 7 district in the state of Texas. 8 Q. Is that the third poorest Senate district? 9 A. Yes, sir. 10 Q. Is it your understanding, based on your 11 experience representing the district, that constituents 12 in the rural and poor areas of your district face 13 hardships doing kind of everyday activities such as 14 getting groceries? 15 A. Getting groceries, getting to school. A lot of 16 my constituents out in West Texas have to be bussed to 17 school. Takes an hour, hour and a half at times to get 18 to school in the mornings. So there's no question about 19 it. 20 Q. Are there communities in your district that 21 you're -- that you know of where people have to drive 30 22 minutes or more to get to a grocery store? 23 A. Absolutely. 24 Q. Can you think of any specific towns or 25 communities where people have to drive more than an hour</p>
<p>1 have been his first name. Because he kept calling 2 himself "Mr. Albert," so that actually could have been 3 his first name. 4 Q. Okay. 5 A. Just to clarify. 6 Q. Okay. Looking back at your declaration, which 7 we've marked as Deposition Exhibit 3, in Paragraphs 14 8 through 17, you generally describe the geography and 9 makeup of your district and how that might impose some 10 difficulty on your constituents; is that right? 11 A. Well, not how it might, but how it would 12 actually impose difficulty on my constituents. 13 Q. Okay. And you've testified that your district 14 is extremely large, right? 15 A. Yes, sir. 16 Q. And many of the counties in your district are 17 rural; is that accurate? 18 A. Almost all of them except for perhaps Bexar 19 County and El Paso County, yes. 20 Q. Do you have part of El Paso County in your 21 current district? 22 A. Yes, sir. 23 Q. So other than Bexar County and possibly 24 El Paso, you've said all of the other counties in your 25 district are rural?</p>	<p>82 84 1 to get to a grocery store? 2 A. Well, I guess you would have to define a 3 grocery store. If we're talking about an HEB, I could 4 think of towns that would have to drive a couple of 5 hours to get to an HEB. Absolutely. So, again, you 6 with have to define grocery store. But if we're using 7 HEB, which is the one I'm most familiar with, there are 8 towns that aren't -- don't have HEBs in them. In their 9 town. 10 Q. So their -- safe to say then that there are 11 towns in your district where to get to a supermarket 12 like an HEB, it would take at least an hour or possibly 13 more? 14 A. Sure. I'll give you an example. I mean, there 15 are towns south of San Antonio that my constituents 16 drive into San Antonio to go to the HEB. To go to the 17 malls. There's malls unheard of in West Texas. 18 Q. Right. 19 A. Simply unheard of. 20 Q. Can you think of any specific towns? 21 A. I can think of all them. Del Rio, Uvalde, 22 Eagle Pass, Hondo, Castroville, LaCoste, Lytle, Italia, 23 Devine, Presidio, Socorro, Pecos, Fort Stockton. 24 Q. So -- so do people in Eagle Pass have to drive, 25 they have to drive out of town to get to a supermarket?</p>



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85	87
<p>1 A. No. To get to a mall.</p> <p>2 Q. Oh, to a mall.</p> <p>3 A. A large mall.</p> <p>4 Q. Okay.</p> <p>5 A. Absolutely. And keep in mind, those drives</p> <p>6 are -- from Uvalde to San Antonio, you know, are a</p> <p>7 little over two hours. Eagle Pass to San Antonio is 2</p> <p>8 hours and 20 minutes. So we're not talking about a</p> <p>9 20-minute drive.</p> <p>10 Q. Right. Probably not a lot in-between Eagle</p> <p>11 Pass and San Antonio, necessarily.</p> <p>12 A. There's nothing between there except for a rest</p> <p>13 stop. So many of them have to plan that once a month,</p> <p>14 perhaps, to come in to go buy clothes for their kids.</p> <p>15 Many of my constituents do that either right before</p> <p>16 Christmas or right before the school year. So they plan</p> <p>17 two trips a year, because that's all they can afford.</p> <p>18 Q. Is there -- when they -- when people in your</p> <p>19 district who have to drive a long way to get clothes for</p> <p>20 their kids, when they do make those trips, is there</p> <p>21 public transportation that is available to them?</p> <p>22 A. No, sir. There's not -- I'm assuming they</p> <p>23 could get a Greyhound bus, perhaps, but you're talking a</p> <p>24 24-hour trip with kids, perhaps. No, there's no such</p> <p>25 transportation.</p>	<p>1 specifically my constituents.</p> <p>2 And keep in mind that if you had an</p> <p>3 accident, the time it would take for an ambulance to</p> <p>4 reach you, to begin with, assuming you had</p> <p>5 communication, because many times you don't even have</p> <p>6 cell phone coverage out there in West Texas. So</p> <p>7 assuming you had communication for an ambulance to get</p> <p>8 there, and usually, they're volunteer ambulances, EMS</p> <p>9 services, et cetera, then to be able to get you back to</p> <p>10 the closest hospital will be -- would be very difficult.</p> <p>11 Q. And so in your district, some of the obstacles</p> <p>12 you've described, I think two -- some of the obstacles</p> <p>13 that would be imposed by Senate Bill 14 would include</p> <p>14 things like limited availability of driver's license</p> <p>15 offices in certain counties, right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And possibly limited hours or limited days for</p> <p>18 the driver's license offices that exist, right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And on top of that, there would be, in many</p> <p>21 cases, the significant distance to travel even to get to</p> <p>22 the driver's license offices that exist, right?</p> <p>23 A. Exactly. And all that is exacerbated by the</p> <p>24 fact that those that are working would have to take off</p> <p>25 time from work, and to make a trip like that isn't --</p>
86	88



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June 11, 2012

89	91
1 of work. The unemployment rates are much higher for 2 Hispanics and African Americans than Anglos, not only in 3 my district but in Texas. 4 Q. So then it's your understanding that a photo ID 5 requirement like that in SB 14 would disproportionately 6 impact Hispanic and African American voters in your 7 district because they would be more likely to be 8 indigent? 9 A. Correct. So many of them don't own vehicles 10 and many of them don't drive, and therefore, they don't 11 have a driver's license. 12 Q. Other than a higher incidence of poverty among 13 Hispanics and African Americans as compared to Anglos, 14 is there any other reason that you're aware of that a 15 photo ID requirement would have a greater impact on 16 Hispanic and African American voters? 17 A. Other than what? What was the question? 18 Q. Other than the higher incidence of poverty. 19 A. Well, I know that -- I'm sure there are other 20 reasons, as well, besides poverty. There's also the 21 geographical distance that we've spoken about, one. I 22 there's an issue of them being educated to understand 23 this bill, the effects of this bill, the requirements of 24 this bill. Many of my constituents don't realize that 25 if this bill takes effect or when this bill takes effect	1 individuals who did not have the required ID because 2 they would not be allowed to vote, right? 3 A. Correct. 4 Q. Other than preventing people without IDs from 5 voting, how -- how specifically would SB 14 6 disenfranchise or prevent people from voting? 7 A. Ask that again, please. 8 Q. Sure. Other than preventing people without an 9 ID from voting, how would SB 14 specifically prevent 10 people from voting? 11 A. Well, if they don't have their ID to vote, they 12 can't vote. I don't know of any other way to prevent 13 them. The bill is already preventing them if they don't 14 have an ID from voting. And it's not giving them any 15 exceptions to the rule, any hardship exceptions, any 16 grandfathering clauses, if you will. Students that have 17 college ID aren't able to vote, perhaps, because they 18 choose not to carry a handgun, yet those that decide to 19 carry a handgun are given a better privilege or more of 20 a privilege to vote. I don't see how that's 21 constitutional. I don't see how that's -- treats every 22 citizen equally and fairly. 23 Q. And I guess my question is -- and I understand 24 that, and I appreciate that. But is there anything that 25 SB 14 would do, other than obviously preventing people



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<p>1 Q. Are there --</p> <p>2 A. And they may be given wrong information,</p> <p>3 inadequate information, as well. They may be Spanish</p> <p>4 speakers, so they may not understand whatever</p> <p>5 information is given to them in English. I don't know</p> <p>6 what information has been provided to them, but if any,</p> <p>7 it's been very little.</p> <p>8 Q. Is there any other specific impact that you can</p> <p>9 think of that SB 14 would have on voters?</p> <p>10 A. Well, I would think that's the most serious</p> <p>11 impact preventing them or disenfranchising them from</p> <p>12 voting.</p> <p>13 Q. Do you believe that SB 14, if it were</p> <p>14 implemented, would have a different impact on a Latino</p> <p>15 voter and an Anglo voter who were in the same location</p> <p>16 and at the same socioeconomic level?</p> <p>17 A. I believe that it could.</p> <p>18 Q. How do you think it could?</p> <p>19 A. Well, if they're a Spanish speaker, for</p> <p>20 example, depending on the information provided to them,</p> <p>21 and there are many Spanish speakers in my district.</p> <p>22 Q. Sure. Other than the potential language</p> <p>23 barrier, can you think of any other reasons that a</p> <p>24 Latino and an Anglo or an African American voter of the</p> <p>25 same location and socioeconomic level might be affected</p>	93	<p>1 It used to be a daily routine for many of them, and now</p> <p>2 it's -- it's a, generally speaking, it's -- it's rare.</p> <p>3 Q. And why specifically is that?</p> <p>4 A. Because of the violence along the border in</p> <p>5 Mexico.</p> <p>6 Q. Do you have a sense of kind of when that</p> <p>7 changed, when people maybe stopped going across the</p> <p>8 border into Mexico as much as they used to?</p> <p>9 A. Over the last three or four years, as the</p> <p>10 violence grew, and -- because I ask my constituents when</p> <p>11 I visit, because I don't go over there, and I ask them.</p> <p>12 And a few years ago, "yeah, we'll go once in a while."</p> <p>13 Couple of years ago, "Well, I'll go visit family or</p> <p>14 friends." And now it's most of the responses are they</p> <p>15 don't go over.</p> <p>16 Q. Do many of your constituents who live on the</p> <p>17 border, they cross over into Mexico to work every day?</p> <p>18 A. No. A small number.</p> <p>19 Q. A small number?</p> <p>20 A. (Witness nods head yes.)</p> <p>21 Q. If someone were to cross the border frequently,</p> <p>22 they would need a passport, right?</p> <p>23 A. I'm assuming. I don't know if they could use a</p> <p>24 visa. I really don't know. Again, I don't really go</p> <p>25 into Mexico.</p>	95
<p>1 differently by SB 14?</p> <p>2 A. Perhaps. But again, I think we have to look</p> <p>3 historically at the turnout for Anglos versus Hispanics</p> <p>4 versus African Americans already, and then to -- add</p> <p>5 this bill to the mix, this bill doesn't do anything to</p> <p>6 encourage any of them to vote in greater numbers.</p> <p>7 So I think if, again, in my opinion, I</p> <p>8 will submit to you, that it will discourage them,</p> <p>9 disenfranchise them or prevent them. Because it's not</p> <p>10 doing -- there's not one thing in this bill, there's not</p> <p>11 one thing in this bill that encourages those voters to</p> <p>12 vote or assists them in voting. Because in fact, it</p> <p>13 puts one more burden in their way. And that -- and so I</p> <p>14 would say that would be my response.</p> <p>15 Q. You said your district includes a very long</p> <p>16 stretch of the Texas-Mexico border; is that right?</p> <p>17 A. Yes, sir. Two-thirds of the Texas-Mexico</p> <p>18 border, from Eagle Pass to El Paso.</p> <p>19 Q. Is it your understanding that many people who</p> <p>20 live in towns on the Texas-Mexico border cross back and</p> <p>21 forth frequently between Texas and Mexico?</p> <p>22 A. I believe that used to be the case. I don't</p> <p>23 think it's as often given the situation in Mexico along</p> <p>24 the border towns as it used to be. In fact, I know that</p> <p>25 many of constituents don't do as much as they used to.</p>	94	<p>1 Q. To your knowledge, is it -- is it more likely</p> <p>2 that someone living on the border would have a passport</p> <p>3 as opposed to somebody who lives in, say, North Texas or</p> <p>4 somewhere far from the border?</p> <p>5 A. No. Again, from what I recall, if you're just</p> <p>6 crossing over into Mexico, they don't even check for</p> <p>7 your ID. But again, I haven't been in Mexico in a</p> <p>8 decade, I suppose, so I don't know.</p> <p>9 Q. Okay. If you found out, if it were proven to</p> <p>10 you that there were no disparity in ID possession</p> <p>11 between minority voters and nonminority voters in Texas,</p> <p>12 would you support Senate Bill 14?</p> <p>13 A. Ask your question again, please.</p> <p>14 Q. Of course. I'll preface it by saying I</p> <p>15 understand that it is not your contention that there's</p> <p>16 no disparity in photo ID possession, but if there were</p> <p>17 evidence that there was no disparity in photo ID</p> <p>18 possession between voter and nonminority voters in</p> <p>19 Texas, would you support SB 14?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. Because this bill does nothing to encourage or</p> <p>23 assist my constituents to vote. It doesn't have same-</p> <p>24 day voter registration, for example. It doesn't allow</p> <p>25 college kids with IDs to vote. You know, there are so</p>	96



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<p>1 legislator should oppose legislation that even if it's 2 overwhelmingly popular? 3 A. It takes a legislator with courage to do that, 4 yes.</p> <p>5 Q. Now, you went over a number of characteristics 6 of your district that are -- present unique obstacles 7 because of the voter ID bill or the photo ID bill to 8 your constituents. Isn't it true that in your district, 9 because of the demography and because of the 10 socioeconomic status of the district and of your 11 constituents, that there is a higher incidence of people 12 driving without insurance than in other parts of the 13 state?</p> <p>14 A. Absolutely.</p> <p>15 Q. And isn't there a fairly substantial incidence 16 of drivers' license suspensions because people are 17 driving without insurance?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. That would be -- that would cause an 20 otherwise eligible person who is eligible to vote to 21 have additional difficulties in securing the IDs that 22 are required by SB 14?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And the last area that I wanted to just touch 25 on briefly: You were asked a number of questions</p>	<p>117</p> <p>1 questions.</p> <p>2 EXAMINATION</p> <p>3 BY MR. GEAR:</p> <p>4 Q. Turning back to the potential obstacles in your 5 district that you have testified about, regarding 6 poverty in your district, do you know the -- generally, 7 what the percentages of poverty rates are for minorities 8 within your district?</p> <p>9 A. I don't know them offhand, but I do know that 10 they are higher than the Anglos in my district. Again, 11 keeping in mind, 75 percent of my district is either 12 African American or Hispanic, mostly Hispanic, that 13 average per capita income of my district is around 14 \$12,500 per year, and again, it's the third poorest 15 senatorial district in the state of Texas.</p> <p>16 Q. Do you know the unemployment rates in your 17 district?</p> <p>18 A. I don't know them offhand.</p> <p>19 Q. And do you know if minorities are more or less 20 likely to be unemployed within your district?</p> <p>21 A. They are more likely to be unemployed.</p> <p>22 Q. Do you know if minorities are more or less 23 likely to own a car within your district?</p> <p>24 A. Less likely.</p> <p>25 Q. Are there communities in your district that</p>
<p>1 regarding individual legislators and their intent in the 2 manner in which they voted on SB 14. And as I 3 understood your question or your answer, one of the 4 things that you looked at was that you felt that the 5 foreseeable consequences of SB 14 were fairly obvious?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And that your colleagues were aware of the 8 foreseeable consequences of SB 14 on minority voters?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And that one of the things that informed your 11 opinion about the intent of the legislation was that in 12 spite of that foreseeable consequence, those legislators 13 voted for the bill?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. You weren't attempting to make a broad 16 assessment of the intent, as the courts have made, about 17 the sorts of circumstantial evidence that could prove 18 intent in your answer; is that correct?</p> <p>19 A. No, sir.</p> <p>20 Q. You didn't look at all of the different factors 21 that a court would look at to gauge intent in your 22 answer today?</p> <p>23 A. Of course not.</p> <p>24 Q. Okay.</p> <p>25 MR. GARZA: I don't have any further</p>	<p>118</p> <p>120</p> <p>1 have no public transportation available?</p> <p>2 A. There is several.</p> <p>3 Q. Do you know the names of those communities, the 4 cities?</p> <p>5 A. Presidio, for example, which is out in West 6 Texas. And again, when you ask that question, I guess 7 we'd have to define what that means, because in 8 San Antonio we have quite an impressive infrastructure 9 with regard to bussing, but in Eagle Pass, that doesn't 10 exist, and in Del Rio, in Uvalde, in Brackettville, in 11 Lyle, Italia, and I could go on and on.</p> <p>12 Q. You talked about your testimony on the Floor 13 regarding the burden that would be imposed on minority 14 voters. Do you recall that testimony during your 15 deposition?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you have any memory as to how the supporters 18 of SB 14 responded to your testimony?</p> <p>19 A. They voted to pass the bill.</p> <p>20 Q. And there was some testimony about you being 21 out sick. I believe that's reflected in your 22 declaration. Was it generally known how you would vote 23 on HB 218?</p> <p>24 A. There was no question that folks knew how I 25 would vote, and there was no question that my colleagues</p>



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CARLOS URESTI

June 11, 2012

121	123
<p>1 knew I was sick. And the day before, when some of them 2 encouraged me to go home, I would not go home because of 3 that purpose, and they kidded about it and say, "Don't 4 worry, it's not like we're going to bring up the voter 5 ID bill while you're gone." Of course they did. But 6 I'll never make that same mistake again.</p> <p>7 Q. And you voted against the bill?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And I'm talking about 218.</p> <p>10 A. Yes, sir.</p> <p>11 Q. And just so I'm clear, was 218 calendared for 12 discussion the day it was brought up?</p> <p>13 A. Well, again, our calendaring system is 14 different than in the House, so from what I recall -- 15 and it's been, gosh, five years -- I believe it was on 16 one of the calendars, but I don't remember which one.</p> <p>17 Q. Okay. Are you aware of any amendments to SB 14 18 that, if passed, would have produced a discriminatory 19 effect on voters?</p> <p>20 A. I believe there were several amendments.</p> <p>21 Q. Can you tell me about those generally?</p> <p>22 A. I'd be guessing. I believe there was -- I 23 really would be guessing. Same day registration, for 24 example. Over 65, et cetera. I don't recall them 25 exactly.</p>	<p>1 testified that the bill would not have a disparate or a 2 discriminatory effect on minority voters?</p> <p>3 A. I believe so.</p> <p>4 Q. So is it possible that members would voted in 5 favor of Senate Bill 14 simply disagreed with the 6 testimony by individuals and groups and legislators who 7 said that there would be a discriminatory impact?</p> <p>8 A. Oh, it's possible, but from what I recall, the 9 groups that testified in favor of the bill didn't 10 represent Hispanic communities or African American 11 communities. I mean, you didn't have the NAACP coming 12 in supporting the bill. You didn't have LULAC coming in 13 supporting the bill or MALDEF coming in and supporting 14 the bill. So those that supported bill weren't groups 15 that represented, you know, the Hispanic or African 16 American communities.</p> <p>17 Q. Was it your testimony that the only persons who 18 are qualified to testify about the impact of a bill on 19 minorities are specific minority groups?</p> <p>20 A. Absolutely not.</p> <p>21 Q. Okay. So it would be possible, then, for a 22 legislator, based on all of the testimony on either side 23 of an issue, to believe one side over the other, right?</p> <p>24 A. Of course.</p> <p>25 Q. So if they -- if a member of the Texas</p>
122	124



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June 11, 2012

1 Q. All right. So you -- I think you made it very 2 clear that your position is that SB 14 will have a 3 discriminatory effect, in your understanding, on 4 minority voters in Texas, right?	125	1 CHANGES AND SIGNATURE 2 RE: TEXAS VS. HOLDER, ET AL 3 PAGE LINE CHANGE REASON 4 _____
5 A. Yes, sir. 6 Q. But do you contend that the purpose of SB 14 7 was to discriminate against minority voters in Texas?	5	5 _____
8 A. I believe the effect, if that's what you're 9 asking of that bill, if it had that effect, my answer is 10 yes.	6	6 _____
11 Q. Okay. And so my question is: If a legislator 12 -- well, are you -- is it your contention that 13 legislators who supported SB 14 acted with a 14 discriminatory intent toward minority voters in Texas?	7	7 _____ 8 _____ 9 _____
15 A. I can't answer that question. I don't -- I 16 can't tell you what they were thinking at the time when 17 they developed any particular intent. I mean, it's 18 possible to get into their minds and say why they voted 19 a certain way, based on the questions you asked.	10	10 _____ 11 _____ 12 _____ 13 _____
20 Q. Okay. So you're not -- it's not your testimony 21 today that any specific member of the Texas legislature 22 supported SB 14 with the intent to discriminate against 23 minority voters?	14	14 _____ 15 _____ 16 _____ 17 _____
24 MR. GARZA: Objection, asked and 25 answered.	18	18 _____ 19 _____
20 Q. Okay. So you're not -- it's not your testimony 21 today that any specific member of the Texas legislature 22 supported SB 14 with the intent to discriminate against 23 minority voters?	20	20 I, SENATOR CARLOS URESTI, have read the foregoing 21 deposition and hereby affix my signature that same is 22 true and correct, except as noted above. 23 _____
24 MR. GEAR: Objection, asked and answered. 25 A. No. I don't have that knowledge, that any of them did that intentionally. I can't get in to their head and know why they voted a particular way.	24	24 _____ 25 SENATOR CARLOS URESTI
26 MR. FREDERICK: Thank you. 27 THE REPORTER: Anybody else? 28 (Signature reserved.) 29 (Deposition concluded at 1:15 p.m.)	126	126 1 THE STATE OF _____ 2 COUNTY OF _____ 3 4 Before me, _____, on this day 5 personally appeared SENATOR CARLOS URESTI, known to me 6 (or proved to me under oath or 7 through _____ (description of identity 8 card or other document) to be the person whose name is 9 subscribed to the foregoing instrument and acknowledged 10 to me that they executed the same for the purposes and 11 consideration therein expressed. 12 Given under my hand and seal of office 13 this _____ day of _____, 2012. 14 15 16 17 NOTARY PUBLIC IN AND FOR 18 THE STATE OF _____ 19 20 21 22 23 24 25



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Page 1		Page 3
		1 INDEX
1	2	2 Appearances 2
3	4	4 JUANITA VALDEZ-COX
5	6	5 Examination by Mr. Frederick 4
6	7	6 Signature and Changes 49
7		7 Reporter's Certificate 51
8		
9		8 EXHIBITS
10		9 NO. DESCRIPTION PAGE
11	1	10 1 Notice of Deposition 7
12		11 REQUESTED DOCUMENTS/INFORMATION
13		12 NO. DESCRIPTION PAGE
14		13 (None)
15		14 CERTIFIED QUESTIONS
16		15 NO. DESCRIPTION PAGE
17		16 (None)
18		17
19		18
20		19
21		20
22		21
23		22
24		23
25		24
		25
Page 2		Page 4
1	2	1 (Reporter's reading of on-the-record
2		2 statement was waived.)
3		3 MR. FREDERICK: This is Matt Frederick. I
4		4 represent the State of Texas in Texas versus Holder.
5		5 Would the other attorneys like to enter their names for
6		6 the record?
7		7 MS. ROBERTSON: Rebecca Robertson --
8		8 MR. WRIGHT: This is Steven Wright -- sorry.
9		9 MS. ROBERTSON: Go ahead, Steven. You go
10		10 ahead.
11		11 MR. WRIGHT: This is Steven Wright on behalf
12		12 of the United States.
13		13 MS. ROBERTSON: Rebecca Robertson of the
14		14 ACLU of Texas on behalf of LUPE and the witness.
15		15 MR. FREDERICK: Thank you.
16		16 JUANITA VALDEZ-COX,
17		17 having been first duly sworn, testified as follows:
18		18 EXAMINATION
19		19 BY MR. FREDERICK:
20		20 Q. Would you please state your full name for the
21		21 record?
22		22 A. Juanita Valdez-Cox, C-o-x.
23		23 Q. Thank you. Have you ever been deposed, Ms. Cox?
24		24 A. No. This is the first time.
25		25 Q. Okay.

Deposition of Juanita Valdez-Cox

June 13, 2012

3 (Pages 9 to 12)

Page 9	Page 11
<p>1 the case, and Ms. Valdez-Cox has not been designated as 2 an expert on those matters. We objected to question 3 number two on the grounds that it addresses the right of 4 LUPE to intervene in the lawsuit, a matter which has 5 already been resolved by order of the Court and we 6 objected to question number three regarding LUPE's 7 membership on the grounds that disclosing members would 8 violate LUPE's and the member's right to freedom of 9 association under the U.S. Constitution. So subject to 10 those objections, we're presenting the witness.</p> <p>11 MR. FREDERICK: With respect to the 12 objection to topic one, the factual bases of the claims 13 of defenses asserted by LUPE, are you objecting to the 14 witness providing testimony about the factual bases of 15 the claims to the extent they exist now?</p> <p>16 MS. ROBERTSON: We are objecting to the 17 scope of the question, but we -- but Ms. Valdez-Cox is 18 prepared to answer the question to the extent of her 19 knowledge.</p> <p>20 MR. FREDERICK: Okay. And, again, with 21 respect to topic one, and particularly the objection 22 based on it being the subject of expert testimony, is it 23 the position of LUPE that the only evidence to support 24 claims of discriminatory intent will be coming from 25 experts?</p>	<p>1 position that the United States is not adequately 2 represented in the lawsuit?</p> <p>3 MS. ROBERTSON: Objection; mischaracterizes 4 her testimony. You can answer.</p> <p>5 BY MR. FREDERICK:</p> <p>6 Q. You can answer.</p> <p>7 A. Yes. No. My answer is that as a grassroots 8 organization, and with my many years of experience, that 9 I am representing the concerns of our community.</p> <p>10 Q. Okay. And my specific question is, do you -- 11 does LUPE contend that the United States does not 12 adequately represent the concerns of LUPE's members or 13 the community that LUPE represents?</p> <p>14 MS. ROBERTSON: Objection; asked and 15 answer. You can answer.</p> <p>16 A. No. My answer is that as a membership 17 organization, as a grassroots organization, as an 18 executive director coming from this community with many 19 years of experience, I am here to represent the concerns 20 of our community.</p> <p>21 Q. Thank you.</p> <p>22 A. You're welcome.</p> <p>23 Q. Can you tell me what -- do you have a position 24 within LUPE, you personally?</p> <p>25 A. Yes, I do.</p>
<p>1 MS. ROBERTSON: No, that is -- that is not 2 the position.</p> <p>3 MR. FREDERICK: Okay. Great.</p> <p>4 MS. ROBERTSON: Again, she'll answer the 5 question to the extent that she has knowledge of it.</p> <p>6 MR. FREDERICK: Great. Thank you.</p> <p>7 BY MR. FREDERICK:</p> <p>8 Q. Ms. Valdez-Cox, if you'll look on page two of 9 Exhibit 1, which is the deposition notice, you see that 10 there are 11 topics listed there.</p> <p>11 A. I do.</p> <p>12 Q. And I understand that LUPE has objected. Subject 13 to those objections, are you prepared to testify on all 14 11 of those topics today?</p> <p>15 A. Yes, I am.</p> <p>16 Q. Great. I want to turn quickly on topic two. Is 17 it LUPE's contention that the United States does not 18 adequately represent LUPE in this litigation?</p> <p>19 MS. ROBERTSON: Objection; calls for a legal 20 conclusion. You can answer.</p> <p>21 A. No. Our concern is the responsibility that I 22 have to our membership as far as how we feel that this 23 will have a negative impact by the denial -- we feel by 24 their denial to exercise their right to vote.</p> <p>25 Q. Okay. So I understand, so it's not LUPE's</p>	<p>1 Page 10</p> <p>1 Q. And what is that position?</p> <p>2 A. I am the executive director.</p> <p>3 Q. Has LUPE engaged in any policy-related activity 4 regarding voter ID legislation in Texas?</p> <p>5 A. No, we have not.</p> <p>6 Q. Has LUPE written any articles about -- on the 7 subject of voter ID legislation?</p> <p>8 A. No, we have not.</p> <p>9 Q. Has LUPE conducted any studies on voter ID 10 legislation?</p> <p>11 A. No.</p> <p>12 Q. Did LUPE have any involvement with Senate Bill 13 14, which is the voter ID bill that was passed by the 14 Texas Legislature in 2011?</p> <p>15 A. No.</p> <p>16 MS. ROBERTSON: Objection, vague. Sorry. 17 You can go ahead and answer.</p> <p>18 A. No, we didn't.</p> <p>19 Q. Okay. So LUPE did not provide any testimony in 20 the legislature about voter ID legislation?</p> <p>21 MS. ROBERTSON: Go ahead.</p> <p>22 A. No, we do not.</p> <p>23 Q. To your knowledge, did any members of LUPE, 24 individual members, provide testimony in the legislature 25 about voter ID legislation?</p>

Page 13	Page 15
1 A. We did not. 2 Q. Did LUPE provide any written materials to any 3 member of the Texas Legislature regarding voter ID 4 legislation? 5 A. We did not. 6 Q. Did LUPE communicate by telephone or in person 7 with any member of the Texas Legislature about voter ID 8 legislation? 9 A. We did not. 10 Q. Is Lupe a membership organization? 11 A. It is. 12 Q. Does that membership include individuals? 13 A. Yes. 14 Q. Does LUPE'S membership also include 15 organizations, or is it solely made up of individual 16 members? 17 A. No. It's a membership organization. Just 18 members; no organizations. 19 Q. Thank you. 20 A. You're welcome. 21 Q. How many individual members does LUPE have? 22 A. It's pretty close to 6,000. 23 Q. And when you say "6,000," is that individual 24 members in Texas? 25 A. Yes, in -- mainly in these four counties.	1 Q. Can you describe in a little more detail what 2 kind of income tax services LUPE provides? 3 A. Federal income tax services. When people are 4 employed during the year and need to pay their taxes to 5 the government, we do the work -- the filing of those 6 taxes, and also advocacy sometimes. If one of our 7 members has a letter that is written in English and 8 because they are mainly Spanish-speaking, if they need 9 assistance with reading that letter from the IRS and 10 addressing the issues, we do that. 11 Q. So would it be accurate to say that with respect 12 to income tax services, LUPE generally helps people fill 13 out and file their federal income tax returns? 14 A. Yes. That's correct. 15 Q. And with respect to Immigration services, can you 16 describe in a bit more detail what kind of Immigration 17 services LUPE provides to the community? 18 A. We have -- we have an Immigration attorney, and 19 if our members need to talk to the attorney about their 20 Immigration case, if they want to file a case with 21 Immigration to immigrate a family member, if they need 22 help learning the history and government of the United 23 States to become citizens, we have that service also. 24 Q. As part of the social services that LUPE 25 provides, does LUPE ever assist individuals in obtaining
Page 14	Page 16
1 Q. And which four counties are those? 2 A. Hidalgo, Cameron, Starr and Willacy. 3 Q. Are there any specific criteria for membership in 4 LUPE? 5 A. No. Actually, anybody can register, can enroll 6 as a member of the organization. It's open to anybody 7 in the community. 8 Q. Can you tell me what the -- what are the primary 9 activities of LUPE as an organization? 10 A. What we do is -- we have two main components of 11 our organization. One is to offer social services that 12 meet some of the needs of the membership of the 13 organization as best as we possibly can, and the other 14 one is community organizers. We have folks that do a 15 lot of outreach in the community that are always meeting 16 with folks having small house meetings to talk about the 17 different issues that many times impact a low income 18 community. 19 Q. I want to talk briefly about the social services 20 aspect. Can you tell me what social services LUPE 21 provides to the community? 22 A. We do many types of different services. The main 23 two ones are we do income tax -- we offer income tax 24 services to our membership, and then also Immigration 25 services.	1 identification such as a driver's license? 2 A. No, we do not. 3 Q. As part of the Immigration services that it 4 provides, does LUPE help individuals obtain legal 5 documents such as, let's say, a visa or a citizenship 6 certificate, anything like that? 7 MS. ROBERTSON: Objection; vague. 8 A. No; no. No visas, just the citizenship or their 9 green card or passport. 10 Q. So LUPE helps people -- am I correct in 11 understanding that LUPE helps people get passports? 12 A. If our member is eligible and qualifies for the 13 requirements set out by the Immigration services, we do. 14 Q. Do you have a sense of about how many members 15 LUPE has assisted in obtaining a passport? 16 A. I do not. 17 Q. Okay. To the best of your knowledge, would you 18 estimate that LUPE has helped more than 100 individuals 19 get a passport? 20 A. Yes. 21 Q. Would you estimate that LUPE has helped more than 22 500 people get a passport? 23 A. I couldn't say. 24 Q. Okay. So more than 100, but beyond that you 25 can't really estimate how many people LUPE has helped

Page 17	Page 19
<p>1 get a passport?</p> <p>2 A. No, I can't.</p> <p>3 Q. To your knowledge, does -- has LUPE ever helped</p> <p>4 people get passports who don't have a driver's license</p> <p>5 or a state-issued ID card?</p> <p>6 A. It is my understanding that you're not eligible</p> <p>7 for those.</p> <p>8 Q. And when you say "you're not eligible," what do</p> <p>9 you mean by that?</p> <p>10 A. Well, if you don't have your documents yet and</p> <p>11 you're in the process of getting your documents, you're</p> <p>12 not eligible to get a state ID or any kind of ID.</p> <p>13 Q. Just so I'm clear -- so is it your understanding</p> <p>14 that someone could get a passport even though he or she</p> <p>15 is not eligible to get a state-issued ID?</p> <p>16 A. Yes, because they have to go through the process</p> <p>17 of Immigration first before you're eligible.</p> <p>18 Q. Okay. So it's possible, in your experience with</p> <p>19 LUPE, that someone could have a passport but they might</p> <p>20 not have a driver's license or a state-issued personal</p> <p>21 ID card?</p> <p>22 A. It's up to the person to apply, so I don't know</p> <p>23 if they would or they wouldn't have one after they get</p> <p>24 their passport.</p> <p>25 Q. Right. But is it your understanding that it's</p>	<p>1 could be health issues, issues of education,</p> <p>2 Immigration, voter ID requirements. It could be many</p> <p>3 different issues that the organizers work on with the</p> <p>4 community or have a conversation with the community</p> <p>5 about.</p> <p>6 Q. So is it accurate to say that the community</p> <p>7 organization that LUPE engages in involves educating its</p> <p>8 individual members about specific issues?</p> <p>9 A. Yes, among other things.</p> <p>10 Q. Okay. Other than educating members about</p> <p>11 specific issues, what specific things do LUPE's</p> <p>12 community organizers do?</p> <p>13 A. We do -- we do a lot of leadership development,</p> <p>14 for example, because the -- many times the issues are so</p> <p>15 critical, so serious, that we don't have enough outreach</p> <p>16 workers or community workers to deal with that, with all</p> <p>17 of the issues, so we do a lot of leadership development.</p> <p>18 Many times there's a lot of leaders already in the</p> <p>19 community, and our organization is -- has a core value,</p> <p>20 for example, of self-help, so we try to -- we work with</p> <p>21 them to see what the situations are to understand who's</p> <p>22 creating the situation and then have them be involved in</p> <p>23 the solutions to those issues. So they do a lot of the</p> <p>24 leadership development. We also -- for example, if one</p> <p>25 of our communities needs to -- for example, has a</p>
<p style="text-align: center;">Page 18</p> <p>1 possible to get a passport before one has a driver's</p> <p>2 license or other state-issued ID?</p> <p>3 A. Can you explain the question?</p> <p>4 Q. Sure. So I understand from your testimony a</p> <p>5 moment ago that -- you testified that people who get a</p> <p>6 passport or who LUPE has assisted in getting a passport</p> <p>7 may not yet be eligible to get a state-issued ID such as</p> <p>8 a driver's license, and so I just wanted to be sure I'm</p> <p>9 clear. Is it your understanding that it's possible for</p> <p>10 somebody to get a passport before they get a</p> <p>11 state-issued driver's license or other ID?</p> <p>12 A. Yes.</p> <p>13 MS. ROBERTSON: Objection; mischaracterizes</p> <p>14 her testimony. Okay. You can testify.</p> <p>15 A. Yes.</p> <p>16 Q. Thank you. I want to talk briefly about the</p> <p>17 community organization activities of LUPE. Can you</p> <p>18 just -- can you describe what kind of outreach or</p> <p>19 activities community organizers engage in for LUPE?</p> <p>20 A. Sure. There's many issues that impact South</p> <p>21 Texas, especially colonias in South Texas; and colonias</p> <p>22 are very rural and isolated areas, and that is where the</p> <p>23 majority of our membership -- that's where they live,</p> <p>24 and so the issues could be flooding after a hurricane.</p> <p>25 The issues could be the high unemployment. The issue</p>	<p style="text-align: center;">Page 20</p> <p>1 drop-out rate in that colonia of young people, then they</p> <p>2 try to bring GED classes so that the students can go</p> <p>3 back and finish their GED, and then -- or if there's a</p> <p>4 need for ESL classes. It's all of that that we work</p> <p>5 with the community in, and I'm sure many more things</p> <p>6 that I can't remember right now.</p> <p>7 Q. Does Lupe -- does LUPE register voters?</p> <p>8 A. It's not -- it's not one of our main programs,</p> <p>9 but we take every opportunity. For example, if they</p> <p>10 come into the office or if we're out there and somebody</p> <p>11 is not registered, that's a very important process that</p> <p>12 we believe in, and so we do.</p> <p>13 Q. Are you familiar with LUPE's budget?</p> <p>14 A. Yes.</p> <p>15 Q. Is there any portion of that budget -- of LUPE's</p> <p>16 budget that is dedicated to voter registration?</p> <p>17 A. We don't have a line item just for voter</p> <p>18 registration.</p> <p>19 Q. Is a portion of LUPE's budget dedicated or</p> <p>20 allocated to Immigration services?</p> <p>21 A. No.</p> <p>22 Q. Are you aware of any specific allocation of funds</p> <p>23 in LUPE's budget?</p> <p>24 A. Yes.</p> <p>25 Q. Can you tell me what some of the -- to the best</p>

Page 21	Page 23
<p>1 of your knowledge, can you tell me all of the specific 2 allocations or line items that are in LUPE's budget?</p> <p>3 MS. ROBERTSON: Objection. This exceeds the 4 scope of the 30(b)(6) topics that were contained in the 5 notice, and so she is not prepared to discuss LUPE's 6 budget in such great detail today. Juanita, if you know 7 the answer and can give him an answer, you can address 8 the question.</p> <p>9 A. I have -- we do like the regular, like, staff, 10 for example. The staff of the organization, that's a 11 certain amount. The benefits is another certain amount, 12 you know, like health insurance. The utilities, 13 transportation; you know, the big main budget line 14 items, but not specifically by programs.</p> <p>15 Q. I understand. Other than staff benefits, 16 utilities, transportation, as you sit here today, can 17 you recall any other specific line item in LUPE's 18 budget?</p> <p>19 MS. ROBERTSON: Same objection.</p> <p>20 A. I guess --</p> <p>21 Q. You may answer.</p> <p>22 A. Yeah. I'm thinking.</p> <p>23 Q. Okay.</p> <p>24 A. Probably like a contract, like, for example, for 25 our Human Resources Department. They -- they're</p>	<p>1 Q. Is there an official program of driving people to 2 the polls for LUPE, or is it more on a request basis?</p> <p>3 A. No, there's not a special program. If a 4 member -- you know, some of our members need to go to 5 the polls, we will, but most of the time it's left up to 6 the leadership in each community to help -- to help each 7 other out.</p> <p>8 Q. And to the extent that leadership in the 9 community helps bring people to the polls, is LUPE 10 directly involved in that, or is it just left up to the 11 leadership?</p> <p>12 A. It's left to the leadership.</p> <p>13 Q. Okay. Do you have an estimate of how many people 14 LUPE would drive to the polls in any particular 15 election?</p> <p>16 A. I don't.</p> <p>17 Q. Going back very quickly, you mentioned that 18 transportation was some part of LUPE's budget. Could 19 you explain what kind of transportation that is or what 20 is included in the transportation?</p> <p>21 A. If we have to go to, like, trainings for the 22 staff, if we have to attend meetings -- certain 23 meetings, sort of like for mileage, those sorts of 24 things.</p> <p>25 Q. I see. I see. Does LUPE own any vehicles?</p>
<p>1 included in the budget. I guess the other one would be, 2 like, financial services, you know, the folks that are 3 in charge of paying our accounts, I think would be 4 another one.</p> <p>5 Q. Okay. Anything else that you can think of right 6 now?</p> <p>7 A. No.</p> <p>8 Q. Does LUPE -- does LUPE provide or engage in any 9 get-out-to-vote type efforts?</p> <p>10 A. Yes, we do.</p> <p>11 Q. Can you describe what kind of get-out-to-vote 12 efforts LUPE is involved in?</p> <p>13 A. Our community -- our community organizers work in 14 certain precincts with our leadership to talk about the 15 issues, you know, that could be coming up in an election 16 and talk about educating the community on the candidate 17 that are running, you know, for office and also maybe 18 conducting forums so that the community gets to know the 19 candidates and, you know, where they stand on certain 20 issues.</p> <p>21 Q. Does LUPE -- does LUPE drive people to the polls 22 to vote?</p> <p>23 A. Very few. Very few. Sometimes they call into 24 the office that they need transportation, and so we 25 will -- we will do that.</p>	<p>1 A. No, we do not.</p> <p>2 Q. I would like to move on to some of the claims in 3 the lawsuit. Are you familiar with Section 5 of the 4 Voting Rights Act?</p> <p>5 A. No, I am not.</p> <p>6 Q. Does LUPE contend that Senate Bill 14 will 7 prevent African American Texans from voting?</p> <p>8 MS. ROBERTSON: Objection; calls for a legal 9 conclusion. You can answer.</p> <p>10 A. Yes.</p> <p>11 Q. And does LUPE contend that Senate Bill 14, if it 12 were implemented, would disenfranchise African American 13 voters in Texas?</p> <p>14 MS. ROBERTSON: Objection; asked and 15 answered. You can answer.</p> <p>16 A. And Latinos, yes.</p> <p>17 Q. And just to clarify, so LUPE also contends that 18 Senate Bill 14 would have the effect of harming Latino 19 voting rights in Texas or preventing Latinos from 20 voting; is that right?</p> <p>21 MS. ROBERTSON: Objection; calls for a legal 22 conclusion. You can answer.</p> <p>23 A. Yes.</p> <p>24 Q. What is the factual basis for LUPE's contention 25 that SB 14 would have a negative impact on Latino</p>

Page 25	Page 27
<p>1 voting?</p> <p>2 MS. ROBERTSON: Subject to the objections</p> <p>3 that we have already stated to depo topic number one,</p> <p>4 the witness can answer.</p> <p>5 A. I think it comes from the years of experience of</p> <p>6 the difficulties that the Latino community that we work</p> <p>7 with of exercising -- of the obstacles many times that</p> <p>8 are placed to give them the freedom to be able to vote.</p> <p>9 I think that -- I know that it is something that has</p> <p>10 been very, very difficult, and I wanted to -- we're</p> <p>11 concerned because we wanted to make it easier for them</p> <p>12 to have a voice in those public policies that have an</p> <p>13 impact on their lives and not make it more difficult,</p> <p>14 and I feel that this would make it more difficult.</p> <p>15 Q. Does LUPE contend that SB 14 will make it more</p> <p>16 difficult for Latinos to vote because they may not have</p> <p>17 the required forms of photo ID?</p> <p>18 A. Correct.</p> <p>19 Q. Is there any other way, aside from potentially</p> <p>20 lacking the required forms of photo ID, that LUPE</p> <p>21 contends SB 14 will harm Latino voting rights?</p> <p>22 MS. ROBERTSON: Objection; calls for a legal</p> <p>23 conclusion. You can answer.</p> <p>24 A. Can you repeat the question?</p> <p>25 Q. Of course. Other than the potential lack of the</p>	<p>1 required forms of ID?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. How many -- how many members of LUPE do</p> <p>4 not have at least one of the forms of photo ID that</p> <p>5 would be required by Senate Bill 14?</p> <p>6 A. I don't have a number.</p> <p>7 Q. Can you identify any specific member of LUPE who</p> <p>8 lacks at least one of the forms of photo ID required by</p> <p>9 Senate Bill 14?</p> <p>10 A. Yes.</p> <p>11 Q. And who is that?</p> <p>12 MS. ROBERTSON: Okay. I'm going to object.</p> <p>13 As we have already discussed, we have an objection to</p> <p>14 disclosing the names of members of the organization</p> <p>15 because we feel it impinges on their First Amendment</p> <p>16 Rights. I will offer, Matt, however, if you will -- if</p> <p>17 you are interested in getting the names of the people,</p> <p>18 and Juanita can identify them for us, we will be happy</p> <p>19 to check with them, and if they do not object to</p> <p>20 disclosing their names to the government, we can</p> <p>21 supplement the deposition record by writing the names in</p> <p>22 when we get the transcript.</p> <p>23 MR. FREDERICK: Well, would you be amenable</p> <p>24 to designating all or part of this transcript as</p> <p>25 confidential or attorney's eyes only under the</p>
Page 26	Page 28
<p>1 required identification by Latino voters, is there any</p> <p>2 other way in which LUPE contends that Senate Bill 14</p> <p>3 would prevent Latino voters from voting in Texas?</p> <p>4 MS. ROBERTSON: Objection; calls for a legal</p> <p>5 conclusion. You can answer.</p> <p>6 A. I think that also the cost that's going to be</p> <p>7 involved for obtaining an ID could be another factor.</p> <p>8 Q. I see. So -- I understand. So LUPE contends</p> <p>9 that SB 14 may negatively impact Latino voters because</p> <p>10 certain individuals may lack the required ID, and to the</p> <p>11 extent they lack the ID, there might be a cost</p> <p>12 associated with obtaining the required ID; is that</p> <p>13 right?</p> <p>14 A. With the cost of obtaining documents that may be</p> <p>15 required to obtain an ID, and also -- as I was stating</p> <p>16 earlier, because we work mainly with colonia residents,</p> <p>17 I think also the transportation would be an issue. Also</p> <p>18 we have many elderly voters in our county, in our</p> <p>19 communities, also many that are, you know, handicapped</p> <p>20 but that are still U.S. citizens and can vote, so</p> <p>21 there's all of that also.</p> <p>22 Q. I understand. So to the extent that we're</p> <p>23 talking about transportation and the cost of obtaining</p> <p>24 underlying documentation, am I correct in understanding</p> <p>25 that that would all be related to getting one of the</p>	<p>1 protective order in place?</p> <p>2 MS. ROBERTSON: I mean, we can certainly do</p> <p>3 that if the members say that they are amenable to having</p> <p>4 their names disclosed. We can -- we would want to</p> <p>5 designate it as confidential so that they're not a</p> <p>6 matter of public record, but at this point, the witness</p> <p>7 is not going to be -- as I stated in my letter this</p> <p>8 morning, the witness is not going to be providing the</p> <p>9 names of any members. We would need the member's</p> <p>10 permission to make that disclosure.</p> <p>11 MR. FREDERICK: Okay. Well, I think this is</p> <p>12 is a problem because, as you know, fact discovery ends</p> <p>13 on June 15th, which is this Friday, and as I understand,</p> <p>14 LUPE has claimed that SB 14 will prevent individuals</p> <p>15 from voting because they don't have the required forms</p> <p>16 of ID, so I think we are entitled to discover the names</p> <p>17 of persons who LUPE contends will be affected negatively</p> <p>18 by SB 14, and I would strongly urge that you allow the</p> <p>19 witness to provide those names because that is a basic</p> <p>20 fact in this case.</p> <p>21 MS. ROBERTSON: I understand your</p> <p>22 contention, and I have asserted an objection, and so we</p> <p>23 are at a bit of an impasse. I have offered to find out</p> <p>24 the names. I don't myself know them, but I have offered</p> <p>25 to find out the names and explore whether the people are</p>

Page 29	Page 31
1 willing to have their names disclosed, and if that is 2 the case, we will provide you with the names. And if 3 that is the case, I would be happy to have a discussion 4 with you about the timing of it so that you are not 5 prejudiced by it, but if the members don't want their 6 names disclosed, we are not going to be the ones to 7 disclose them.	1 A. Yes. 2 Q. And who is that? 3 A. That is my mom. 4 Q. And what is your mother's name? 5 A. Her name is Angelita, A-n-g-e-l-i-t-a, Valdez. 6 Q. Okay, great. And what is her date of birth? 7 A. It is February 4th, 1921. 8 Q. And what is her current address? 9 A. It is 302 North Valley View Road. 10 Q. Okay. In what city? 11 A. It's in Donna, Texas. 12 Q. D-o-n-n-a? 13 A. Correct. 14 Q. And what's the zip? 15 A. 78537. 16 Q. Thank you. 17 A. You're welcome. 18 Q. And so your mother is registered to vote? 19 A. She is. 20 Q. And she does not have a Texas driver's license? 21 A. No. She's 91. 22 Q. Okay. 23 A. She never has anyway, actually. 24 Q. Okay. And she does not have a passport? 25 A. No. She doesn't travel much.
Page 30	Page 32
1 know, maintain strict confidentiality of those names. 2 MS. ROBERTSON: All right. I think we have 3 reached an agreement about how to resolve this. 4 BY MR. FREDERICK: 5 Q. So, Ms. Valdez-Cox, to clarify, is -- was it your 6 testimony that you are not aware of the number of LUPE 7 members who lack one of the required forms of ID required by SB 8 14? 9 A. Not at the moment. 10 Q. Okay. Can you provide an estimate of how many 11 members of LUPE lack one of the IDs required by SB 14? 12 A. No. 13 Q. Other than its members -- well, scratch that. 14 Does LUPE know how many Texas registered voters lack one 15 of the forms of ID required by SB 14? 16 A. No. 17 Q. Other than its members, can LUPE identify any 18 particular Texas registered voter who lacks -- who does 19 not have at least one of the IDs required by SB 14? 20 A. By name? 21 Q. Right. 22 A. Repeat the question. 23 Q. Sure. Other than LUPE members, can LUPE identify 24 individual Texas registered voter who does not have at 25 least one of the IDs required by SB 14?	1 Q. And she doesn't have a state-issued or a 2 Department of Public Safety issued ID card? 3 A. She had one but she lost it. 4 Q. Do you remember when she lost it? 5 A. No. 6 Q. Was it more than a year ago? 7 A. Yes. 8 Q. Would your mother be able to go to a Department 9 of Public Safety office to obtain a reelection 10 identification certificate? 11 A. No, not on her own. She doesn't drive. 12 Q. Is there anybody who would be able to take her to 13 the DPS to get an election identification certificate if 14 necessary? 15 A. Probably. 16 Q. Would you be able to take her to the DPS if 17 necessary? 18 A. I could, but I think that, you know, at her age, 19 she might -- it's not -- it wouldn't be, like, really 20 easy because she also has -- she doesn't -- she's still 21 aware and she knows what's going on, but it would sort 22 of be difficult -- she has her schedule where she goes 23 to day care and then she comes -- she stays with us, and 24 so anything out of her schedule doesn't go too well with 25 her. I would and I could. It would just take time.

Page 33	Page 35
<p>1 explaining and all of that to her.</p> <p>2 Q. I understand. Well, let me ask you this: Are</p> <p>3 you aware of when the last time -- well, let me ask more</p> <p>4 generally. Does your mother vote?</p> <p>5 A. Yes.</p> <p>6 Q. When was the last time that your mother voted?</p> <p>7 A. Just last -- the last election.</p> <p>8 Q. Is that the primary elections?</p> <p>9 A. Yes.</p> <p>10 Q. Did she vote in person?</p> <p>11 A. Yes.</p> <p>12 Q. And so other than your mother, Ms. Valdez, is</p> <p>13 there any other individual Texas registered voter that</p> <p>14 you can identify who does not have at least one of the</p> <p>15 IDs required by SB 14?</p> <p>16 A. Yes.</p> <p>17 Q. And who is that?</p> <p>18 MS. ROBERTSON: Are you talking about</p> <p>19 members?</p> <p>20 A. Members of the organization. Members.</p> <p>21 Q. Okay. Fair enough. Other than individual</p> <p>22 members of LUPE and your mother, Ms. Valdez, can you</p> <p>23 identify any other individual registered voter</p> <p>24 registered in Texas who does not have one of the IDs</p> <p>25 required by SB 14?</p>	<p>1 going just about an hour. If you're getting ready to</p> <p>2 change topics, I wonder if it would be a good time for a</p> <p>3 break.</p> <p>4 MR. FREDERICK: If you would like to take a</p> <p>5 break, that's fine with me.</p> <p>6 MS. ROBERTSON: Okay. Or if you have a few</p> <p>7 more questions along this line and you want to finish</p> <p>8 up, that's okay, too.</p> <p>9 MR. FREDERICK: Yeah. If you can give me</p> <p>10 about five minutes.</p> <p>11 MS. ROBERTSON: Yeah, of course.</p> <p>12 BY MR. FREDERICK:</p> <p>13 Q. Has LUPE conducted any studies to determine how</p> <p>14 many of its members have the required ID under SB 14?</p> <p>15 A. No.</p> <p>16 Q. Has LUPE conducted any studies of Texas</p> <p>17 registered voters to determine how many may not possess</p> <p>18 the ID required by SB 14?</p> <p>19 A. No.</p> <p>20 Q. Is LUPE -- has LUPE seen or reviewed any studies</p> <p>21 on the number of Texas voter -- Texas registered voters</p> <p>22 who lack one of the IDs required by SB 14?</p> <p>23 A. We haven't done a study, but working in the</p> <p>24 community, I know that it would be an issue.</p> <p>25 Q. Has -- but has LUPE conducted any studies -- any</p>
Page 34	Page 36
<p>1 A. Not at the moment, but as I think -- if I thought</p> <p>2 about it, I probably -- I probably could.</p> <p>3 Q. Do you know how many members of LUPE have a</p> <p>4 passport?</p> <p>5 A. No, I don't.</p> <p>6 Q. Is LUPE aware of the level of photo ID possession</p> <p>7 among different groups of voters in Texas? And by</p> <p>8 "level," I mean the percentage of voters who are Latino</p> <p>9 or African American or Anglo or Asian American who have</p> <p>10 a photo ID in Texas.</p> <p>11 A. No, I don't.</p> <p>12 Q. Do you know if any -- well, do you know how many</p> <p>13 LUPE members have a driver's license?</p> <p>14 A. No. We don't collect that data.</p> <p>15 Q. Okay. Do you know how many LUPE members have a</p> <p>16 military identification card?</p> <p>17 A. No.</p> <p>18 Q. Do you know how many LUPE members have a</p> <p>19 concealed handgun license?</p> <p>20 A. I hope not too many. No, I don't.</p> <p>21 Q. Do you know how many LUPE members have a state</p> <p>22 a DPS-issued personal ID card?</p> <p>23 A. No, I don't. I don't know how many. I don't</p> <p>24 know the number.</p> <p>25 MS. ROBERTSON: Hey, Matt, we have been</p>	<p>1 statewide studies -- I'm sorry. Scratch that. Has LUPE</p> <p>2 seen or reviewed any statewide studies of how many Texas</p> <p>3 registered voters might lack the ID required by SB 14?</p> <p>4 A. We have not conducted a study.</p> <p>5 Q. Have you reviewed any studies?</p> <p>6 A. We have not. I have not.</p> <p>7 Q. Has LUPE conducted any polls of its members or</p> <p>8 any questionnaires or anything like that to determine</p> <p>9 how many of them might lack the ID required by SB 14?</p> <p>10 A. There hasn't been a poll or a questionnaire, but</p> <p>11 at meetings we do ask.</p> <p>12 Q. And is it your understanding that certain</p> <p>13 individual -- certain individuals have reported or</p> <p>14 self-identified as lacking any of the forms of ID</p> <p>15 required by SB 14?</p> <p>16 A. Yes.</p> <p>17 Q. But you can't -- you can't estimate how many</p> <p>18 people that is?</p> <p>19 A. No, because this is at meetings -- at different</p> <p>20 times of meetings, some that I conduct and others that</p> <p>21 are conducted out in the different colonias where the</p> <p>22 organizers have house meetings, so I wouldn't know how</p> <p>23 many.</p> <p>24 Q. All right. To your knowledge -- and</p> <p>25 understanding that you have not been at all of these</p>

Page 37	Page 39
<p>1 meetings, to your knowledge when individuals have 2 identified themselves as not having the ID required by 3 SB 14, has LUPE confirmed that any of those individuals 4 are, in fact, registered to vote?</p> <p>5 A. They are registered to vote.</p> <p>6 Q. And how do you know that?</p> <p>7 A. Because they either went through our citizenship 8 classes and then also because we register there at the 9 office, and we know them for many years. Many of these 10 members are -- have been members for many, many years, 11 so we know when they become citizens and when they 12 register to vote.</p> <p>13 Q. I see. Does LUPE contend that Senate Bill 14 14 will harm the rights of indigent or poor Texans to vote?</p> <p>15 A. Yes.</p> <p>16 Q. And what is the basis for that contention?</p> <p>17 A. On the basis of our membership and the membershi 18 that we represent, the poverty in which they live, the 19 situations that they have -- that they face, the 20 obstacles that have been placed. And so knowing our 21 community, working with them, we know that this is going 22 to be another added issue for them which will make it 23 more difficult.</p> <p>24 Q. Does LUPE contend that an Anglo member of LUP 25 and a Latino member of Lupe would be affected</p>	<p>1 you had a Latino individual and an Anglo individual 2 living in South Texas in the same neighborhood, and they 3 had the same, you know, socioeconomic status, the same 4 income, is it LUPE's contention that SB 14 would have a 5 greater impact on a Latino individual than an Anglo 6 individual?</p> <p>7 MS. ROBERTSON: Objection; calls for 8 speculation. Go ahead.</p> <p>9 A. Yes.</p> <p>10 Q. And it's your -- it's LUPE's contention that SB 11 14 would have a greater impact on a Latino individual 12 than an Anglo individual even if those two individuals 13 were situated similarly with regard to location and 14 socioeconomic status?</p> <p>15 A. Yes.</p> <p>16 Q. And why is that?</p> <p>17 A. I think the language also comes in to play. I 18 think the language has something to do with the issue 19 also.</p> <p>20 Q. Other than a potential language issue, is there 21 any other reason why a Latino voter would be affected 22 more by SB 14 than a similarly situated Anglo voter?</p> <p>23 MS. ROBERTSON: Objection; calls for a legal 24 conclusion. Go ahead.</p> <p>25 A. I guess also I would say because of the history</p>
Page 38	Page 40
<p>1 differently by Senate Bill 14?</p> <p>2 A. I just know our community, our membership, which 3 is Latino, and the difficulties that they face as 4 compared to maybe more affluent folks in our community. 5 I just feel it's going to be more difficult for our 6 membership.</p> <p>7 Q. I see. So is -- in your understanding, is LUPE's 8 membership exclusively Latino?</p> <p>9 A. It is.</p> <p>10 Q. I see.</p> <p>11 A. I mean, like, you know, 98 percent or 99 percent, 12 so it's not, like -- almost 100.</p> <p>13 Q. Okay. Well, assuming hypothetically that there 14 were -- that there was a Latino individual and an Anglo 15 individual who both lived, let's say, in a colonia, same 16 location, same socioeconomic status, is it LUPE's 17 contention that SB 14 would affect those two people 18 differently?</p> <p>19 MS. ROBERTSON: Objection; calls for 20 speculation.</p> <p>21 A. We don't have that scenario here in our colonias 22 in South Texas --</p> <p>23 Q. Right.</p> <p>24 A. -- that I know of.</p> <p>25 Q. Well, let me ask more generally. Assuming that</p>	<p>1 of disenfranchising Latino voters. I remember my dad 2 telling me many years ago about the poll tax that 3 existed, so it's -- it hasn't been as welcoming to the 4 process of voting for Latinos as it has been for Anglos.</p> <p>5 Q. Right. And how would the history make it -- how 6 would the history of discrimination against Latinos in 7 voting make it more difficult for an individual to get 8 the ID required by SB 14?</p> <p>9 MS. ROBERTSON: Objection; calls for 10 speculation. Go ahead.</p> <p>11 A. I think that it does come -- it does affect it in 12 some way in that when you are in a -- when you are in a 13 community that has been -- that has been discriminated, 14 you tend to -- it is more likely that when there's an 15 obstacle placed, just because of its history, that you 16 may not be able to as easily see beyond that and just 17 see it as part of something that happens and maybe give 18 up. I don't know. It could have -- it could have all 19 of those factors.</p> <p>20 Q. So is it your -- is it your testimony that 21 because of the history of discrimination and voting, a 22 Latino registered voter might be less likely to obtain 23 the ID required by SB 14?</p> <p>24 A. I'm just saying it would be more difficult.</p> <p>25 Q. Well, how -- I guess what I'm trying to</p>

Page 41	Page 43
<p>1 understand is how would the history make it more 2 difficult for an individual to go get one of the 3 required forms of ID?</p> <p>4 MS. ROBERTSON: Objection; asked and 5 answered. Go ahead.</p> <p>6 A. I'm just saying that that's -- that those are 7 factors that could play into it. I didn't say it was 8 the only thing. We also discussed about the cost, about 9 the transportation, you know, the disabilities, you 10 know, different factors.</p> <p>11 Q. Of course, I understand that. I guess what I'm 12 trying to understand is -- you know, I understand the 13 contention about the cost and, you know, the 14 requirements to travel to go get an ID, and I understand 15 that those might have an impact on somebody's ability to 16 get the ID. What I'm trying to understand is how -- is 17 how the history of discrimination would actually prevent 18 anyone from getting an ID required by SB 14.</p> <p>19 A. In my opinion, it plays a factor in it. I don't 20 know how else to explain it to you.</p> <p>21 Q. Okay. Well, is it your understanding that the 22 history would -- might make an individual less likely to 23 overcome the -- you know, the burden of getting an ID 24 or, you know, paying the cost to get underlying 25 documents?</p>	<p>1 requirement for Latino voters as opposed to any other 2 group of voters?</p> <p>3 MS. ROBERTSON: Objection; mischaracterizes 4 her testimony.</p> <p>5 A. Repeat the question, please.</p> <p>6 Q. Does LUPE contend that the actual text of SB 14 7 imposes a -- imposes different requirements for Latino 8 voters than it does for any other group of voters?</p> <p>9 MS. ROBERTSON: Objection. The text of the 10 Bill speaks for itself.</p> <p>11 A. I don't know the text of the Bill. I just know 12 of the concern that we have for our -- for the Latino 13 community, our membership.</p> <p>14 Q. Is it LUPE's contention that SB 14 requires 15 different forms of ID for Latinos than it requires for 16 other voters?</p> <p>17 A. I don't know that it is different. I just know 18 that by requiring it of Latinos, of the membership that 19 we represent, it would be an obstacle.</p> <p>20 Q. I understand. Have you read Senate Bill 14?</p> <p>21 A. No.</p> <p>22 MR. FREDERICK: I think now would be a good 23 time to take a very short break, if that's --</p> <p>24 MS. ROBERTSON: Yes.</p> <p>25 MR. FREDERICK: Is that okay?</p>
<p>1 A. It could be.</p> <p>2 Q. Okay. But you don't contend that SB 14, the 3 actual Bill, places different requirements on Latino or 4 Anglo or African American citizens?</p> <p>5 MS. ROBERTSON: Objection; calls for a legal 6 conclusion. Mischaracterizes her testimony.</p> <p>7 A. Can you repeat the question?</p> <p>8 Q. Of course. Does LUPE contend that SB 14 itself 9 imposes a different requirement for Latino voters than 10 it requires for Anglo or African American voters?</p> <p>11 MS. ROBERTSON: Objection; calls for a legal 12 conclusion. Go ahead, if you know.</p> <p>13 A. It's just -- I don't know what -- I can't speak 14 for any other community except for the Latino community 15 because that's where I have worked the majority of my 16 life, and I do contend, for the Latino community, it 17 does.</p> <p>18 MS. ROBERTSON: So, Matt, would now be a 19 good time for that break? Is that okay?</p> <p>20 MR. FREDERICK: Let me ask a couple of more 21 questions.</p> <p>22 BY MR. FREDERICK:</p> <p>23 Q. Talking about the -- I want to talk a little more 24 about the bill. So is it your contention that the bill 25 itself, the language of the statute imposes a different</p>	<p>1 MS. ROBERTSON: Yes. We'll be back in five 2 minutes.</p> <p>3 MR. FREDERICK: Okay. Thank you. 4 (Recess from 11:12 a.m. to 11:17 a.m.)</p> <p>5 BY MR. FREDERICK:</p> <p>6 Q. Ms. Valdez-Cox, are you registered to vote?</p> <p>7 A. Yes, I am.</p> <p>8 Q. And do you have a Texas driver's license?</p> <p>9 A. I do.</p> <p>10 Q. Do you have a passport?</p> <p>11 A. I do.</p> <p>12 Q. Do you have a concealed handgun license?</p> <p>13 A. No.</p> <p>14 Q. Do you have a military identification?</p> <p>15 A. No.</p> <p>16 Q. Are there other members of your household who are 17 of voting age?</p> <p>18 A. Yes.</p> <p>19 Q. Are they registered to vote?</p> <p>20 A. Yes.</p> <p>21 Q. Do they have a driver's license?</p> <p>22 A. Not all of them, but most of them.</p> <p>23 Q. Do the members of your household who are of 24 voting age and registered to vote have passports?</p> <p>25 A. Not all of them.</p>

Page 45	Page 47
<p>1 Q. Can you tell me who the members of your household 2 are who are registered to vote but do not have a 3 driver's license or a passport?</p> <p>4 MS. ROBERTSON: Objection; relevance. This 5 is LUPE's deposition, not Ms. Valdez-Cox' deposition.</p> <p>6 MR. FREDERICK: Are you permitting her to 7 answer or are you instructing her not to answer?</p> <p>8 MS. ROBERTSON: I'm not instructing her not 9 to answer. I'm objecting to this question as being 10 beyond the scope of the -- of the subject of this 11 deposition. It's LUPE's deposition and not hers.</p> <p>12 BY MR. FREDERICK:</p> <p>13 Q. You may go ahead and answer the question.</p> <p>14 A. You want me to tell you who?</p> <p>15 Q. Yes, please.</p> <p>16 A. My mother.</p> <p>17 Q. Okay?</p> <p>18 A. And also a nephew.</p> <p>19 Q. And who is your nephew?</p> <p>20 A. I don't have his permission to tell you that.</p> <p>21 MR. FREDERICK: Okay. I would ask, subject 22 to his permission, if -- and subject -- and similar to 23 our agreement about members of LUPE; subject to his 24 permission, if you would provide his name in the same 25 manner that your counsel has agreed to provide the name</p>	<p>1 before our membership who needs to vote.</p> <p>2 Q. I see. So, then -- and I'm not intending to 3 quote you, but is it accurate to say, then, that you 4 don't contend one way or the other about the intention 5 of the Legislature in passing SB 14; is that accurate?</p> <p>6 A. I am contending that the -- that the 7 legislation -- I don't see a reason for it, and I don't 8 agree with it because it does place obstacles for us.</p> <p>9 Q. But is it your contention that the legislation 10 was acting with the specific purpose of harming Hispanic 11 voters or preventing Hispanic voters from voting?</p> <p>12 MS. ROBERTSON: Objection; asked and 13 answered. Go ahead.</p> <p>14 A. I don't know if it was their intention. I know 15 that I am concerned about the results.</p> <p>16 Q. I understand.</p> <p>17 MR. FREDERICK: Those are all of the 18 questions I have. I appreciate your time very much, 19 Ms. Valdez-Cox. Thank you.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 MS. ROBERTSON: Matt, would you give us just 22 a second and let me look over my notes? And if Steven 23 has questions, he can go ahead.</p> <p>24 MR. WRIGHT: We have no questions.</p> <p>25 MS. ROBERTSON: We'll reserve our questions</p>
Page 46	Page 48
<p>1 of LUPE members who are registered to vote but lack a 2 photo ID. I would appreciate that.</p> <p>3 MS. ROBERTSON: Well, we have asserted an 4 objection to the question, so I'm not going to commit to 5 that. I mean, Ms. Valdez-Cox can say that she's willing 6 to ask, but I'm not going to commit to that since we've 7 objected to the question.</p> <p>8 BY MR. FREDERICK:</p> <p>9 Q. Ms. Valdez-Cox, are you familiar with polls 10 regarding support for voter ID legislation in Texas?</p> <p>11 A. No, I am not.</p> <p>12 Q. Does LUPE contend that the Texas Legislature 13 intended to harm Hispanic voters by passing SB 14?</p> <p>14 MS. ROBERTSON: Objection; calls for a legal 15 conclusion.</p> <p>16 A. I don't know what their intention was. I just 17 know and have concern for the results of their 18 intention.</p> <p>19 Q. Okay. So am I correct in understanding that LUPE 20 does not contend that the Texas Legislature purposefully 21 acted to harm Hispanic voters by passing SB 14?</p> <p>22 MS. ROBERTSON: Objection; mischaracterizes 23 her testimony. Go ahead.</p> <p>24 A. Again, I don't know what their intention was. I 25 just know that it will result in more obstacles placed</p>	<p>1 for trial.</p> <p>2 THE REPORTER: Mr. Wright, did you need a 3 copy of this deposition?</p> <p>4 MR. WRIGHT: Yeah. If we could get a copy, 5 I would appreciate that.</p> <p>6 MS. ROBERTSON: And we would like to read 7 and sign.</p> <p>8 THE REPORTER: Do you want a copy as well?</p> <p>9 MS. ROBERTSON: Yes.</p> <p>10 (Deposition concluded at 11:23 a.m.)</p>